

1 THE COMMONWEALTH OF MASSACHUSETTS
2 MASSACHUSETTS GAMING COMMISSION
3 PUBLIC MEETING #131
4
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6 CHAIRMAN

7 Stephen P. Crosby
8

9 COMMISSIONERS

10 Gayle Cameron

11 James F. McHugh

12 Bruce W. Stebbins

13 Enrique Zuniga
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20 August 7, 2014 10:30 a.m.

21 BOSTON EXHIBITION AND CONVENTION CENTER

22 415 Summer Street, Room 107B

23 Boston, Massachusetts
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P R O C E E D I N G S :

CHAIRMAN CROSBY: I will call to order the 131st meeting of the Massachusetts Gaming Commission held once again at the Boston Convention and Exhibitions Center, August 7 at 10:30. We will go straight to item two on the agenda, the approval of minutes.

COMMISSIONER MCHUGH: The minutes of the June 24, no, July 24 meeting are in the book. And I move that they be accepted as they appear therein with need to correct mechanical and typographical errors.

CHAIRMAN CROSBY: Second?

COMMISSIONER STEBBINS: Second.

CHAIRMAN CROSBY: The only thing I noticed was that in the minutes from July 24 says that the July 15 minutes were not approved and they were going to be coming forward at the next meeting which I think is this one.

COMMISSIONER MCHUGH: Right. And I was going to inquire about that after this meeting. But that's what we said last time. It accurately records what we said last time.

1 MS. BLUE: Mr. Chairman, that is
2 correct. We did say we would bring them back
3 at this meeting. I wanted to confer with
4 Commissioner Zuniga to determine what best
5 changes needed to be made. And I understand
6 that now. So, we'll bring them forward at the
7 next meeting with the appropriate changes.

8 CHAIRMAN CROSBY: Okay, great. Any
9 other discussion about the minutes? All in
10 favor, aye.

11 COMMISSIONER MCHUGH: Aye.

12 COMMISSIONER CAMERON: Aye.

13 COMMISSIONER ZUNIGA: Aye.

14 COMMISSIONER STEBBINS: Aye.

15 CHAIRMAN CROSBY: Opposed? The ayes
16 have it unanimously. Item three,
17 Administration, Executive Director Day.

18 MR. DAY: Good morning, Chairman
19 Crosby and members of the Commission. I just
20 have a short general update administrative
21 wise.

22 Our gaming licensing staff visited
23 Plainridge Racecourse yesterday to meet horse
24 racing regulatory staff and better understand

1 racing functions and process. I thought it was
2 a very productive meeting. We had active
3 discussion with all parties. And I think it
4 will be helpful as we to continue to
5 transition.

6 In addition, our licensing staff and
7 contract staff are also making progress testing
8 our new licensing system. Actually, in about
9 two weeks we'll probably move into the new
10 phase of user testing or individuals outside
11 the system who are being asked to help us out
12 checking into our system and seeing if it will
13 work for them. So, we look forward to that
14 starting. It's a sign of progress that we're
15 continuing to move ahead.

16 We're also in the final selection
17 process for five positions. And we anticipate
18 getting those selections done hopefully by the
19 end of the month. Our CIO is also busily
20 searching out and making progress with the
21 technical expertise we need in the gambling lab
22 management area.

23 With the end of the formal
24 legislative session, we've been working to

1 identify anything that comes from that session
2 and will most likely have a more detailed
3 report for the Commission at the end of the
4 month, August 21.

5 And we also have our lease expires
6 on December 31. And we have identified office
7 space that we will move into by the end of the
8 year. If you have any other questions, I'll
9 try to answer them. And if not, I'll move on
10 real quickly to the next topic.

11 CHAIRMAN CROSBY: Anybody?

12 COMMISSIONER CAMERON: No question.

13 COMMISSIONER MCHUGH: No questions,
14 thank you.

15 MR. DAY: Thank you very much. Next
16 on your agenda is item B under administration.
17 Once again, we have Penn National Gaming back
18 to visit with us. Today, the idea is to be
19 able to take a look at how the floor plan
20 development is coming and to share information
21 with the Commission for discussion and
22 questions you might have. We have been able to
23 agree with Penn regarding the Commission space.

24 COMMISSIONER MCHUGH: We have got to

1 get rid of that hum.

2 COMMISSIONER ZUNIGA: Does he need
3 to be closer to the mic or something?

4 MR. DAY: Closer to the mic, I'd be
5 happy to do that. So, I'll try this again.
6 Penn is here again to visit with us. And the
7 item for discussion today is the floor plan
8 layout.

9 We've made a lot progress in
10 discussions with Penn regarding the Commission
11 office space that will house the Massachusetts
12 State Police unit that'll be working with us,
13 our gaming agents and auditors as well as a
14 separate area that will house horse racing
15 staff and our licensing staff.

16 We're moving forward with a Concept
17 that will have those co-locate, make the office
18 location a little more convenient and move it
19 out of the middle of the administrative unit
20 for Penn.

21 So, today we've asked Jennifer
22 Pinck, Jack Rauen and Lance George are here to
23 update us on the progress of their floor plan.
24 Thank you very much.

1 MS. PINCK: Good morning,
2 Commissioners. Today as Director Day said,
3 we're going to go over the floor plan or
4 actually Lance George will go over the floor
5 plan.

6 I'd just like to spend a couple of
7 minutes talking to you about the process that
8 we've been through. I would say within a few
9 weeks after the award of the license, we
10 commenced my staff meeting with Director
11 Durenberger, Director Wells, Director Acosta
12 and Director Day to ascertain what were the
13 space needs. We knew Penn was getting going
14 quickly, and we wanted to have a sense of their
15 needs on the floor or in the building.

16 So, we provided Penn with the
17 programmatic needs, number of offices, number
18 of cubicles, whether a kitchen was needed, a
19 kitchen was not needed, whether a surveillance
20 room was needed and how many square feet
21 approximately would be desired. And we
22 transmitted that to Penn.

23 We met with them a couple of times
24 to look over their current floor plans. And in

1 ensuing months since then or six to eight weeks
2 since then, there have been numerous meetings
3 with the Gaming Commission staff and with Penn
4 to arrive at the location of the space that the
5 Gaming Commission needs.

6 We've also been monitoring the
7 development of the floor plans so that we could
8 see that there were accommodations. Also, I
9 forgot Mark Vander Linden for responsible
10 gaming. And looking for the details that we
11 know inevitably will be needed to be checked
12 off, such as space for lottery agents or
13 lottery sales.

14 So, I'm happy to report today that
15 Penn is here today with a floor plan that has
16 the layout of those areas. Some may change.
17 And we have gotten, I believe, input and the
18 consensus from the Gaming Commission staff who
19 will be there or will be visiting there on a
20 regular basis.

21 What this presentation today does
22 not include because they're not yet finalized
23 are some of the actual details. We have a
24 room. Does that room have a glass light in the

1 door, to be determined. What is the locking
2 systems? What is surveillance? What is
3 security? There's space for data, for MGC
4 data. You'll see little purple areas. What
5 does that room actually look like, how is it
6 secure from other parts of that same room?
7 Those are yet to be worked out.

8 But what we now have is an
9 arrangement of space and square footage that
10 will meet the programmatic needs of the Gaming
11 Commission staff assigned and the Mass. State
12 Police and the judges for racing, etc. and
13 other accommodations that will need to be made
14 on the gaming floor.

15 So, what I'd like to do is turn it
16 over to Lance George who I know you know. And
17 he's going to walk you through what they are
18 working on building.

19 MR. GEORGE: Sure. Thank you,
20 that's a good preamble into this. Good
21 morning. Several familiar faces with me.
22 We've got Jack Rauen, Vice President of Project
23 Development, Steve O'Toole another coworker,
24 General Manager of Racing at Plainridge. And

1 then we also have one new face with us. It is
2 Darlene Whitmore from JCJ Architecture. Nobody
3 knows this project more than she does. If
4 you're able to stump us, I believe she'll be
5 able to come through for us.

6 CHAIRMAN CROSBY: Are they the
7 overall architects for the plan?

8 MR. GEORGE: They are.

9 CHAIRMAN CROSBY: Back from the
10 Ourway days?

11 MR. GEORGE: That's correct. Before
12 we get to our submission, just a few general
13 comments. As I begin to put my notes together,
14 I realized how much information we provided.
15 With that in mind, our comments will focus on
16 the general arrangement of space, which is
17 consistent with what Jennifer just mentioned.
18 We'll call out space allocated for responsible
19 gaming, state police, racing and licensing,
20 lottery and a couple of others.

21 Some elements haven't been finalized
22 slot layout, finishes, back of house details.
23 As we've done throughout the process, we will
24 continue to work with the Commission staff to

1 ensure that all critical elements end up in
2 compliance.

3 It's clear that significant progress
4 is being made. And this progress has occurred
5 due to a lot of hard work and notably a lot of
6 cooperation amongst all of the parties
7 involved. I want to thank everyone.

8 So, today I get to ride those
9 coattails and update you on the great work that
10 has been completed by several groups. Hats off
11 to Jack, Mike McGrew of the internal Penn
12 construction team, Jennifer Pinck and her
13 staff, JCJ Architecture, Turner Construction,
14 Tilton and Associates, Rick Day and the MGC
15 staff, Beth Bresnahan at the Lottery
16 Commission, Joe Fernandes in the Town of
17 Plainville, Detective Lieutenant Brian Connors
18 and Sargent Timothy Babin to name a few. I
19 make those comments and it's quite possible
20 that I may have missed somebody, so I want to
21 apologize in advance if I have.

22 With that I'd like to turn to the
23 documents that have been submitted. We'll be
24 providing specific comments on a few of the

1 pages with others inserted for reference. With
2 that being said, by all means stop us and ask
3 any questions at any time.

4 The first page on the submission is
5 the site plan. Hopefully, this page allows
6 everyone to orient themselves. You can see
7 Washington Street, the entrance and then the
8 general layout of the facility along with
9 parking and the track. A lot going on here.

10 You've certainly seen a document
11 like this or one very similar before. I'd
12 like to draw your attention to just a few
13 items. Up at the top off of the entrance, we
14 have reactivated an existing haul road. A
15 significant benefit here on the racing side.

16 The horsemen will be able to pull
17 in, take an immediate left. This will allow
18 them to avoid the parking lot. We've added
19 their own private parking over in that area as
20 well. As far as where the security will go, at
21 gates, a manned shack, that is being discussed
22 but it certainly will be somewhere in that area
23 depending on race day.

24 The other item to note is the racing

1 and licensing building. So, this building had
2 always been contemplated. However, over the
3 last several weeks and with the assistance of
4 Rick and his team, we've been able to further
5 define what functions will occur out of this
6 location. The notable change that we just
7 heard actually is that licensing will now be
8 handled here.

9 So, a lot of discussion as to where
10 they would fit in. Rick came up with this
11 suggestion. David Acosta loves the idea. I
12 think collectively, there's a lot of agreement
13 that this works for everybody.

14 Beyond this, the site plan remains
15 as has been presented in the past. Again,
16 certainly happy to answer any questions you
17 might have. It might be more effective to walk
18 through the slides and then come back and
19 answer questions at the end.

20 The next page should be the first
21 floor of the casino and it is, significant
22 detail here both front of house and back of
23 house space. This page has largely been
24 included for reference. The hope and intent

1 was not to bore you walking through each space
2 or from office to office, rather to illustrate
3 where we are in the process and just how much
4 work has been completed.

5 One area that I will call out here
6 is the live racing space, which would be the
7 purple area. This space will see a significant
8 refresh to ensure there is a seamless
9 transition from the casino space into the
10 racing space. In addition to ensuring the
11 space is fully integrated, improved light
12 fixtures, plumbing and HVAC will help us
13 achieve the LEED Gold status for the project.

14 There's a legend that has been
15 provided that should assist as you make your
16 way through this document. I do want to stop
17 here. One other item that has come up is the
18 location of the restaurants. This is what
19 internally we're referring to as the oyster
20 bar. And then the one below it is the Flutie's
21 sports pub.

22 Candidly, we understand there's a
23 bit of confusion. And we know originally the
24 intent based on some documents showed that

1 Flutie's would be an under-21 establishment.
2 The establishment that will be under 21 is at
3 the top, the oyster bar. The reason, it's
4 fairly simple. That location for racing and
5 then into that area is for under 21 guests.

6 Once you get into the Flutie's area
7 and off of the casino floor, obviously, that is
8 not designed or never was intended to be under
9 21. We've been working with Jennifer on this
10 issue. She brought it to our attention.

11 If there is a feeling that this
12 rises to the level of a variance, we are
13 certainly happy to work through that issue.
14 But certainly we are aware of the confusion and
15 we've been working through it with Jennifer.

16 CHAIRMAN CROSBY: The only thing I
17 thought about was if this had been a major part
18 of the pitch that the Flutie was going to be an
19 attraction that would be accessible to
20 everybody without getting into the gaming
21 floor, if that had been one of the major sales
22 pitches then I think it was something we at
23 least would want to think about.

24 But I asked the staff to go back and

1 look through all of the materials. And
2 although there is some record of talking about
3 it being accessible, it was not a big deal.
4 So, from my standpoint this is well within your
5 discretion as far as I'm concerned.

6 What is the access to the oyster bar
7 from the outside?

8 MR. GEORGE: Correct. You can see
9 entrance points. So, you see the live racing
10 area where it currently exists. They'll be
11 able to enter in that location. So, they'll
12 either be able to enter direct or walk through
13 or from the racing location. Then there'll be
14 a posted security guard just past the entrance.

15 CHAIRMAN CROSBY: So, there's no
16 direct access to either of the restaurants from
17 the outside.

18 COMMISSIONER ZUNIGA: There is for
19 the oyster bar.

20 MR. GEORGE: Right.

21 CHAIRMAN CROSBY: Well, you come
22 into corridor. Okay, I get you. I'm certainly
23 fine with that if everybody else is too.

24 COMMISSIONER CAMERON: No problem,

1 no issue here. It actually makes a lot of
2 sense.

3 MR. GEORGE: Thank you. As an aside
4 specific to this area, if there's one area that
5 will continue to evolve right up until opening
6 day, it would be the casino floor. Right now
7 we're in the process of revisiting -- That's
8 the area in yellow, light yellow. -- revisiting
9 that for the addition of electronic table
10 games. We'll continue to tweak based on sign
11 packages, floor mix, on and on.

12 Though in large part many items are
13 set in stone, certainly the layout of the
14 casino floor will evolve and continue to evolve
15 right up until the very end.

16 COMMISSIONER ZUNIGA: Lance and
17 Jennifer, can you just scroll down just a
18 little bit more. What is, and maybe this is an
19 operational issue that you resolve at a later
20 time, but from the under 21 to the 21, it's
21 that orange sort of circle. It's like a
22 corridor, right? Will there be like a guard?

23 MR. GEORGE: Yes.

24 COMMISSIONER ZUNIGA: Could you just

1 expound a little bit? Is that the only point
2 from the under to the casino floor?

3 MR. GEORGE: Right. Yes, to answer
4 the first question. 24/7, there will
5 absolutely be a security guard stationed there
6 to ensure there's nobody who enters who is
7 under 21. The other location would be the
8 porte cochere area, which is gold right here.
9 We would have security guards stationed there.
10 There's one entrance.

11 So typically, we will see about 15
12 to 20 percent of our patrons arrive through
13 that area. And the other location, there you
14 go, there will be another security guard
15 stationed there. That would be off of the
16 elevator.

17 MS. PINCK: To the parking garage,
18 which is over here.

19 MR. GEORGE: Right, yes, from the
20 parking garage. Next page should be the upper
21 floor. This space, so, this is the second
22 level. This is largely a mix of office space,
23 simulcast theater and meeting space. The
24 meeting space, the area highlighted in purple

1 the dark purple.

2 As you may or may not be able to see
3 this room will divide into two separate meeting
4 areas. So, total occupancy for the entire
5 space, standing, I believe is 500, seated, I
6 believe, is around 250. This will allow some
7 flexibility around meeting space specifically,
8 certainly some banqueting opportunities there
9 and some special event opportunities as well.

10 The other side, this is the
11 simulcast theater. And you'll note that some
12 VIP rooms have been added as well. And that
13 color, I believe, is I guess lilac. We'll go
14 with lilac.

15 CHAIRMAN CROSBY: There's also
16 simulcast in the clubhouse, right?

17 MR. GEORGE: Down on the lower
18 level, yes, correct. Also, up here you'll note
19 some office space set aside for surveillance.
20 Operationally, this works well. Typically,
21 what you're going to see is the surveillance
22 folks separated from the general population.
23 So, in this case it works out very well for us
24 that we're able to accommodate them in this

1 location.

2 Next slide. A lot to talk about
3 here. There's a lot of good stories here.
4 Jennifer alluded to it earlier. I think Rick
5 may have touched on it. But a lot of work
6 going into identifying and settling on
7 locations for different agencies. We've got
8 regulatory. So, we've got responsible gaming.
9 We've got state police. We've got licensing.
10 We'll kind of walk through that. We'll start
11 with the legend as our guide.

12 Responsible gaming that area is in
13 yellow. So, we've been working with Mark
14 Vander Linden. And in those conversations, the
15 goal was to identify a very busy, high-traffic
16 area. So, as I just mentioned we'll see about
17 eightyish percent of our folks entering right
18 through this area. So, we certainly can check
19 that box.

20 The other request from Mark was to
21 ensure that it is an inviting space. And so
22 what we've done is gone back. Originally, it
23 was designed to be office space potentially for
24 a host. So, we've gone back and removed the

1 wall so that folks can just walk in. There is
2 no door. It'll be a much more inviting space.

3 This space will be divided into two.
4 The front half will provide information,
5 literature. The back half of that space will
6 be more of a private area. And it will be
7 manned, I think, that those conversations have
8 yet to be had as far as specific hours, but
9 that is the general concept.

10 CHAIRMAN CROSBY: That's enough
11 space, obviously.

12 MR. GEORGE: He's delighted with the
13 amount of space. He has ample space, no doubt
14 about it. It's a great space for him.

15 CHAIRMAN CROSBY: Good.

16 MR. GEORGE: Next working through
17 the legend, we've got the state slot data
18 facilities. Those are identified in purple.
19 Not a lot to report here other than we have
20 allocated space for that. That space, some of
21 that will depend on the decisions that you guys
22 will be making as it relates to a central
23 monitoring system.

24 So, it's there if that's where we

1 end up. If not, we'll commandeer that space
2 and figure out something to do with it I'm
3 sure.

4 Moving down the list, we've got
5 lottery. You'll see lottery locations. And
6 then underneath it will further define whether
7 that is retail, PAT or Keno. And I believe PAT
8 stands for personal access terminal.

9 COMMISSIONER ZUNIGA: Something like
10 that, player activated terminal.

11 MR. GEORGE: Player activated
12 terminal, thank you.

13 COMMISSIONER ZUNIGA: Not the
14 football team.

15 MR. GEORGE: That's right. Good
16 conversations with Beth. Very easy to work
17 with. She has this document. We connected on
18 Monday. She gave me the green light for these
19 locations. No issues on their end, so we've
20 been able to check that box as well. The one
21 retail location for the lottery will be located
22 actually in our retail shop. Some of the
23 locations remain where they are on the racing
24 side of things.

1 The only other, I guess, two other
2 items to call out here, state offices. Those
3 are in brick, red, burnt orange. You can see
4 them at the bottom. You will see two
5 locations, actually. You'll see the bottom and
6 then up closer to the gaming floor. So, if
7 there is a need for these folks to be closer to
8 the gaming floor that option exists for them.

9 Otherwise they will be located down
10 at the bottom with parking, reserved parking
11 for them. They will also have their own
12 private entrance in and out. As well, they can
13 walk through the facility, but they will have a
14 dedicated entrance of their own to walk in and
15 out.

16 This also locates them close to both
17 the mantrap and the armored car bay should
18 there be any issues there. So, that was not
19 initially in, the mantrap. Working with Bruce
20 Band, we've gone back and added that for him.
21 So, we're in good shape there.

22 CHAIRMAN CROSBY: Mantrap?

23 MR. GEORGE: Mantrap.

24 CHAIRMAN CROSBY: What's a mantrap?

1 MR. GEORGE: Safety feature, it
2 allows somebody to enter and until that door is
3 closed, somebody else cannot enter.

4 CHAIRMAN CROSBY: Did you guys know
5 what a mantrap was?

6 COMMISSIONER ZUNIGA: We've been to
7 one.

8 COMMISSIONER CAMERON: We've been to
9 one.

10 CHAIRMAN CROSBY: Sorry. Pretend I
11 didn't ask that.

12 MR. GEORGE: Strike that from the
13 record.

14 CHAIRMAN CROSBY: Yes, strike that
15 from the record.

16 MR. GEORGE: The other item, just as
17 an aside here, at the top is the LEED
18 information. As part of our application, we
19 committed to provide information based on our
20 Gold status of energy savings. That will be
21 displayed on a monitor that is located there.
22 So, as soon as you walk in, a prominent area
23 for that information as well.

24 Lastly, racing operation and

1 regulatory. So, we've touched on this a few
2 times now, but a good story here. A lot of
3 people scratching their heads, certainly on our
4 side, as to how to accommodate all of the needs
5 for space. And this really frees up some much
6 needed space in the building. And it actually
7 makes sense on the licensing and racing side.

8 On the left is site plan
9 information, an awful lot of information I'd
10 ask questions on the bumper zone, no disturb
11 zone. In short, that will help orient where
12 the building is located. And then to the right
13 is the current layout or the floor plan.
14 Plenty of space. I think working on the
15 timing, but that will certainly be coming in
16 plenty of time to handle and accommodate all of
17 the licensing process. Is that it?

18 MS. PINCK: I think that's it.
19 That's all. Hold on a second.

20 CHAIRMAN CROSBY: Any other?

21 COMMISSIONER CAMERON: I was just
22 asking about the clean restroom. We wanted to
23 make note of that.

24 COMMISSIONER MCHUGH: Make sure they

1 all are.

2 MR. GEORGE: You're talking about
3 this location specifically?

4 COMMISSIONER CAMERON: I am, Sir.

5 MR. GEORGE: I'll defer to Steve.
6 It's not just because it's clean.

7 COMMISSIONER CAMERON: Okay.

8 MR. O'TOOLE: That's an area
9 signified for drug-testing. So, clean I think
10 means a sterile environment.

11 CHAIRMAN CROSBY: You get the clean
12 bathroom. You get the dirty bathroom.

13 COMMISSIONER CAMERON: Sterile for
14 the drug testing, I see.

15 COMMISSIONER STEBBINS: Just in the
16 diagram to the left, it mentions a gate. Is
17 that something that's existing or something
18 that if somebody is coming in to go to the
19 licensing services they would have to pass
20 through a gate?

21 MR. GEORGE: I do want Steve to
22 weigh in. But the licensing services, they
23 will not have to pass through a gate. The gate
24 is for the racing side of things.

1 MR. O'TOOLE: Existing right now is
2 that gate. This is all overlaid over an
3 existing site plan.

4 MS. PINCK: This gate here. But
5 that's old.

6 MR. O'TOOLE: That gate will be
7 gone. And then there's another gate you'll see
8 that's a little bit further back on the parking
9 lot right there. Both of those gates will
10 actually be gone. That gate that she's
11 pointing to now will be moved back. That will
12 actually be a crash gate for emergency only.

13 That's the access to the backside of
14 the paddock area now as you saw it earlier when
15 Lance was explaining the site plan. Now the
16 horse traffic is not going by the porte
17 cochere. It's going the back route which is
18 customary in most tracks. It's separate from
19 the gaming floor.

20 So, that will be a crash gate for
21 emergency purposes only. And there will be a
22 guard shack there or a manned gate to allow
23 horsemen to go over to the licensing area to
24 get licensed.

1 COMMISSIONER STEBBINS: Thank you.

2 CHAIRMAN CROSBY: Just out of
3 curiosity, Steve. What's happened to racing
4 handle this year?

5 MR. O'TOOLE: Well, Lance has
6 mentioned a couple of good stories, and it's
7 actually a very good story this year. Our live
8 on-track handle is up about 10 percent. And
9 it's amazing to me because we are really
10 imposing on our customers.

11 And customers, I'm going to use the
12 term bellyache over the smallest things. Now
13 I'm trying to prompt them to give me some type
14 of bellyache and they will not. I'll say I'm
15 sorry for the inconvenience and they'll say
16 this is great. We love it. And the handle
17 actually shows it.

18 Our simulcast handle has leveled off
19 to actually we've been up the last month five
20 percent. And we are actually comparing apples
21 to apples now because of the withholding. So,
22 we're now in the post-period of the
23 withholding, which happened around the end of
24 May.

1 Before that we were down about 12 to
2 15 percent in that area. But now that we are
3 actually comparing apples to apples, we've been
4 up the last month about five percent. So, I'm
5 really thrilled about that.

6 CHAIRMAN CROSBY: Are there more
7 people coming or are people betting more? What
8 do you ascribe it to?

9 MR. O'TOOLE: I see a lot of new
10 faces. I see a lot of faces, maybe curiosity
11 to take a look at the project. It's a very
12 aggressive project and the site is very busy.
13 And I think that they like coming down and
14 seeing it.

15 CHAIRMAN CROSBY: Great. Okay.
16 Anything else on that item, Director?

17 MR. DAY: I have nothing further.

18 CHAIRMAN CROSBY: Thank you.

19 COMMISSIONER CAMERON: Thank you.

20 CHAIRMAN CROSBY: Next up is agenda
21 item four, the Ombudsman report Mr. Ziemba.

22 MR. ZIEMBA: Good morning,
23 Commissioners.

24 COMMISSIONER MCHUGH: Good morning.

1 COMMISSIONER CAMERON: Good morning,
2 Sir.

3 MR. ZIEMBA: Included in your packet
4 is a more detailed estimate of the schedule for
5 Region C. This schedule shows the December 1
6 deadline for RFA-1 background applications, and
7 a March 27, 2015 RFA-2 application deadline
8 that the Commission decided a short time ago.

9 The chart shows more detail
10 regarding the other licensing steps that are
11 necessary such as the timelines for any
12 disputes between applicants and surrounding
13 communities. In the event that such a dispute
14 is not resolved earlier than arbitration, the
15 eventual award of a Region C license could take
16 until August 2015 as we previously identified.
17 We'll continue to explore methods of avoiding
18 or resolving quickly such disputes in order to
19 shorten or avoid any delay.

20 As for next steps, shortly after the
21 intense Region A review period over the next
22 five plus weeks, we'll reach out to potential
23 candidates to check on their progress with
24 developing their plans. Specifically, we'll

1 check to make sure that materials have been
2 collected to enable the IEB to complete its
3 reviews on time.

4 As a reminder, the IEB has only
5 approximately four months to complete its
6 reviews running from the RFA-1 date to the RFA-
7 2 date. To the degree that applicants can get
8 in materials ahead of the RFA-1 deadline that
9 would certainly be helpful.

10 As a related update, we recently had
11 discussions with representatives from a number
12 of agencies regarding our schedule on Region C.
13 (A) our recent decision on the MGM in Region A
14 and our award to Penn National on the slots
15 license.

16 We thanked agencies for all of the
17 work that has been done to date and stated that
18 we look forward to working with them in the
19 future. Overall, I think agencies understand
20 our timelines and are focused on post-licensing
21 to develop these facilities as soon as we can.

22 CHAIRMAN CROSBY: These are state
23 agencies?

24 MR. ZIEMBA: State agencies, yes.

1 They also understand that we respect their
2 individual missions and certainly their
3 individual statutory responsibilities.

4 As we move forward with Region C,
5 we'll continue to work to determine how best to
6 streamline both our licensing process and the
7 post-licensing process. And that's my report.

8 CHAIRMAN CROSBY: Any questions,
9 thoughts? Any other information about nibbles
10 on Region C? Anymore interested parties or
11 communities?

12 MR. ZIEMBA: I don't think I have
13 any public reports or actually any private
14 reports.

15 COMMISSIONER MCHUGH: Just a big
16 cone of silence there.

17 COMMISSIONER ZUNIGA: John, I'm just
18 looking here at the schedule. I'm just
19 eyeballing it a little bit, but it's around
20 January 10 that we are tentatively predicting
21 that a host community agreement would be
22 executed; is that correct? Of course, it can
23 move because there is no restriction before
24 this.

1 MR. ZIEMBA: The only restriction is
2 obviously that there has to be 60 to 90 days
3 after the host community agreement before our
4 application deadline because they have to have
5 the referendum before the RFA-2 application is
6 submitted.

7 COMMISSIONER ZUNIGA: Right. So,
8 the line that starts here can really happen any
9 time before December 1 or thereabouts.

10 MR. ZIEMBA: That's correct.

11 COMMISSIONER ZUNIGA: The duration
12 of the host community referendum is 90 days,
13 right? It's the longest.

14 MR. ZIEMBA: Yes.

15 COMMISSIONER ZUNIGA: So, that would
16 put us somewhere in the middle of March as the
17 latest date for that election to occur.

18 CHAIRMAN CROSBY: Yes.

19 MR. ZIEMBA: So, there is some time
20 depending on circumstances there could be a
21 compressed timeframe. But there is some time
22 for applicants to get their applications ready
23 to get their background checks and then to
24 proceed through our process.

1 COMMISSIONER STEBBINS: Right now in
2 the schedule you are showing that the
3 referendum results, you have a brief window by
4 which the town clerks or city clerks or
5 whatever can get those to us. But you still
6 leave it with a window before when the Phase 2
7 application deadline is.

8 MR. ZIEMBA: Yes, that's right. So,
9 there's a 10-day certification period in
10 cities. And many towns also follow that same
11 process. In essence, by roughly about 17 March
12 they would have to have their referendums
13 completed.

14 COMMISSIONER STEBBINS: Okay.

15 COMMISSIONER CAMERON: Thank you.

16 COMMISSIONER MCHUGH: Thank you.

17 CHAIRMAN CROSBY: Next up is
18 workforce development and supplier diversity
19 development, Director Griffin.

20 MS. GRIFFIN: If you don't mind, I
21 will focus first on the Penn National diversity
22 plan since we have our guests here. And then
23 I'd be glad to provide you an update.

24 So, I'm joined by Cori Whitacre,

1 Vice President for Talent Management and Karen
2 Bailey of public relations for Penn National
3 Gaming. You may remember at the 126th public
4 meeting on June 26 you voted to approve the
5 marketing plan for the under and unemployed and
6 the vendor purchasing plan for operations that
7 Penn National Gaming submitted for the
8 Plainridge Park Casino. But that was subject
9 to the updates and revisions that were
10 requested by the Commission.

11 So, specifically the Commission
12 asked for a timeline of related hiring and
13 purchasing activities, specific information
14 regarding community outreach if through best-
15 faith efforts Penn National was not able to
16 meet their hiring goals in the host and
17 surrounding communities.

18 Additionally, you asked for
19 information on how Penn National plans to
20 utilize resources and services available from
21 the Mass. Department of Labor and Workforce
22 Development. So, you have before you the two
23 plans with revisions highlighted in yellow
24 beginning on page 19 in the packet.

1 I'm going to have Penn National
2 highlight some of the additions to the plan
3 since the earlier version. But I did want to
4 say that I think Penn National did a very good
5 job in responding to the requested changes.
6 And I think these plans are much stronger. So,
7 I would recommend approval.

8 MS. BAILEY: Thank you, Director
9 Griffin and members of the Commission, great to
10 see you again. I will start with our workforce
11 program and some of the addition that we put
12 in. You'll see a variety of inclusions where
13 we basically updated our activities and what
14 we've done since we've last spoken and since we
15 last met with you. That's reflected in page
16 three, starting on page three. You'll also see
17 some additions in page five.

18 Since then, Cori and her team have
19 met with -- now have actually had their formal
20 meetings with some of the career centers
21 locally and then have started the conversation
22 about how we integrate ourselves within the
23 workforce investment boards, just sort of your
24 regional level groups.

1 Something that we sort of see as
2 down the road as we're working with the
3 locally-based career centers in order to get
4 our workforce up and implemented and then
5 working with the broader employer community
6 within our region.

7 On page seven, we've also provided
8 some additional information as it relates to
9 what our timeframes are, as it relates to our
10 various outreach activities. As of now, we
11 have our career website now active online in
12 the Penn National website. The career center
13 will be opening in September.

14 Job postings coming live at that
15 point in time. And those will continue to be
16 updated as we really -- We never stop our job
17 offering updates, but that will continue all of
18 the way through opening day.

19 And then we also anticipate having
20 our larger career center fully functional in
21 December and then career fairs taking place in
22 the first quarter of next year. The initial
23 career center is going to be opened in
24 September with the expanded career center

1 opening later this year.

2 We spoke a little last time we were
3 here with regards to the concentric circles
4 that Director Griffin mentioned. So, we put in
5 here on page eight some of those communities
6 that we will be targeting. It's not an
7 exclusive list.

8 As I mentioned, it's going to be
9 concentric circles. So, anybody within sort of
10 those broader circles we're going to be
11 targeting with the priority going to those that
12 have higher unemployment rates versus those
13 with lower and don't need necessarily the
14 opportunities or the same opportunities.

15 On page nine or starting on page
16 nine and actually goes for a couple of pages
17 you had asked for some more information about
18 the types of jobs and what is our workforce
19 going to look like. So, this is actually a
20 preliminary snapshot of what that workforce
21 look like as we stand here today.

22 It is subject to some evolution as
23 we move through the hiring process.

24 Ultimately, the teams are going to be designed

1 by the executives that are brought in or hired,
2 not necessarily all brought in, those that are
3 hired at the property level to really put in
4 place their respective teams. As we stand here
5 today, this is what our workforce is going to
6 look like, the types of jobs and sort of what
7 percentage of the workforce they're going to be
8 comprised of.

9 Below that is a basic time schedule
10 of sort of when the crux of our hiring is going
11 to be. Starting obviously very slowly as we
12 ramp up starting really the second quarter of
13 next year and through opening day the second
14 half -- first half, end of first half.

15 On page 10, this talks -- This gives
16 you a snapshot of some of the initial jobs.
17 These are the folks to be hired or the first to
18 be hired of the general workforce. As you'll
19 see a lot of administrative functions, your
20 payroll, your general accounting, auditors,
21 revenue, everybody is touching money parts of
22 the business and getting those systems in
23 place, as well as the initial gaming operations
24 and human resources staff that will be

1 necessary to obviously implement the fuller
2 workforce program.

3 And that I believe is all that we
4 have on the workforce program for updates.

5 CHAIRMAN CROSBY: Questions?

6 COMMISSIONER STEBBINS: Just a
7 couple of quick comments, some quick notes.
8 Thank you for going through. And the plan
9 reads much better, not that it didn't read
10 fine before, but the additional detail, I
11 think, makes it a lot more thorough and
12 complete for us to follow.

13 A couple of quick questions. You
14 talked about the outreach to the career
15 centers. Do you feel the career centers cover
16 the surrounding communities and host community
17 well enough for your purposes?

18 MS. WHITACRE: Yes, I think -- Yes,
19 to answer your question, yes. Since we've met
20 with them, they've met to really create a
21 synergy so they feel that they're all working
22 together to meet our needs amongst all of the
23 different locations.

24 So, I feel really positive about our

1 initial meetings and their follow-up meetings
2 and then meeting again with them next week.
3 But they've been fantastic.

4 COMMISSIONER STEBBINS: And I
5 appreciate -- You kind of helped us look beyond
6 the host and surrounding communities to other
7 areas of the high unemployment. I know Jill
8 gave you some numbers from what communities
9 would be targets in those concentric circles.

10 Taunton is a nearby community, which
11 certainly has some employment challenges. I
12 noticed you didn't identify them specifically
13 but I just want to make sure that they're
14 somewhat in your target area as well.

15 MS. WHITACRE: Yes, absolutely.

16 COMMISSIONER STEBBINS: And the only
17 other comment that I had was to somewhat put a
18 little bit of an onus back on us, making sure
19 that we're synced up in terms of you're opening
20 a career center. How can we have a presence or
21 some interaction with respect to licensing?

22 So, not only is an employee coming
23 in learning about the opportunities you have,
24 but also understanding from a licensing

1 requirement what that person needs to go
2 through. So, feel free -- And David's not here
3 so we can kind of walk him off the plank and
4 make him available. But we also want to be
5 proactive in terms of being a partner at that
6 career center. So, if they understand all of
7 the licensing requirements that they still have
8 to get through. It's not just getting the job,
9 which is great, but there's also our end to it.

10 So, you can put the request or the
11 onus back on us to make that partnership and
12 relationship available to you. And hopefully,
13 that speeds things along in terms of getting
14 people through the process.

15 MS. WHITACRE: It always makes it
16 easier, yes.

17 CHAIRMAN CROSBY: Others? I had a
18 couple of things. Hank and Michael, we ought
19 to have a link, some kind of a good link, and
20 maybe we already do on our website, to the
21 jobs. And I think on our employment, we refer
22 to -- our employment link is referring to jobs
23 within our own agency. But I don't think the
24 public would probably pick that up.

1 I think we ought to have on our
2 website when it says employment, it ought to go
3 to the jobs that are out in the field as well.
4 So, anything else we can do to promote these
5 opportunities to people.

6 MS. WHITACRE: That'd be great.

7 CHAIRMAN CROSBY: Even just Hank
8 announcing -- This is cool information these
9 jobs that are going to be -- the specific job
10 titles, the percentages, the timeline that's
11 newsworthy particularly in that area. So,
12 maybe collaborating with Penn try to get that
13 out and also just through our own social media
14 and stuff.

15 COMMISSIONER MCHUGH: I don't want
16 to build a website here, but it might be
17 worthwhile to think about having a separate
18 little place on our website for each of the
19 licensees so that people who are interested in
20 all kinds of things that are going on the
21 construction jobs.

22 CHAIRMAN CROSBY: At least a link
23 yes.

24 COMMISSIONER MCHUGH: That's what I

1 mean.

2 MS. GRIFFIN: Commissioners, we
3 currently have a link right now to the
4 construction opportunities at the Plainridge
5 Racetrack. And it's located on the workforce
6 development page of our website.

7 COMMISSIONER MCHUGH: As I say, I
8 don't want to build it here and now, but
9 something where somebody's interested in what's
10 going on at Penn, goes to a place, clicks on it
11 and there's a whole menu of things pictures,
12 whatever. People are interested in what's
13 going on at MGM, pictures, opportunities that
14 come along.

15 CHAIRMAN CROSBY: Question, there
16 are about 25 percent are jobs are finance/cage
17 or gaming, which those are the jobs that are
18 going to be at least somewhat industry-
19 specific.

20 Do you have a sense of how many if
21 any of those jobs require expertise that we are
22 not going to have here? Are all of them things
23 that people can be trained to do or close
24 enough to other things that you can actually be

1 hired from Massachusetts even though we don't
2 have gaming?

3 MS. WHITACRE: Sure. The majority
4 of them we'll be able to hire locally. Most
5 likely our VP of Finance, we want somebody who
6 has gaming experience, understands gaming.
7 Cage cashiers, bank tellers make a great
8 transition from a bank teller to a cage
9 cashier, very transferable skill sets, even
10 cashiers at high-volume establishments
11 sometimes make really good transitions.

12 Accounting is accounting. It's a
13 debit or it's a credit. The analysis sometimes
14 helps to have somebody who has the knowledge of
15 casinos. But probably 90 to 98 percent, 97
16 percent are able to fill locally.

17 CHAIRMAN CROSBY: And what are the
18 gaming, the 11 or 12 percent that are gaming,
19 what are those jobs?

20 MS. WHITACRE: Gaming would be slot
21 attendants, slot operations, slot techs.
22 Again, the majority of those positions we'll be
23 able to fill locally. We'll bring in some
24 experienced supervision.

1 On the slot tech. side, we're able
2 to bring in some folks that do have experience
3 but supplement those with folks that just have
4 a good skill set and they can go through a
5 training program. So, that will be a balance
6 there. But in slot attendants, we train those
7 all of the time. It's somebody with just a
8 really great attitude.

9 CHAIRMAN CROSBY: Do we have slot
10 techs., does anybody know in our community
11 college training process?

12 COMMISSIONER STEBBINS: Yes. They
13 are working at Bristol on developing that.
14 It's not a high-volume.

15 CHAIRMAN CROSBY: Great. Okay. I'm
16 glad I asked that. That's a good answer.
17 Anybody else?

18 COMMISSIONER CAMERON: Thank you
19 very much, very helpful.

20 COMMISSIONER MCHUGH: That's very
21 helpful.

22 COMMISSIONER ZUNIGA: Thank you.

23 MS. GRIFFIN: So, we will go onto
24 the second plan.

1 MS. BAILEY: Thank you. And this is
2 the plan associated with our vendor diversity
3 program. This one doesn't have quite as many
4 updates, didn't require quite as many updates
5 as the workforce plan, but I'll run through
6 those quickly starting on page four of our
7 plan. Just some updates of the outreach that
8 we've done since we last met.

9 Onto page six, we revised the
10 definition of minority to be reflective of the
11 state's definition to clarify that. On page
12 seven, we did put in some of the examples or
13 clarified some of the definitions of what is
14 excluded spend based on the AGA diversity
15 purchasing guidelines. This gave a little more
16 flavor and outline as to exactly what those
17 terms meant. That's page seven.

18 Then on page nine, and you may have
19 received this separately or at least staff may
20 have received this separately, but we put a
21 snapshot into the purchasing program and the
22 calendar associated with it, as well as what it
23 is exactly we're going to be buying over the
24 next several months.

1 So, it gives just a quick snapshot
2 again subject to some flexibility based on the
3 construction schedules and so forth. But
4 generally, anybody that's interested in
5 potentially looking at business with us can get
6 a good idea of what we're going to be
7 purchasing prior to opening or preopening.
8 This is the preopening purchasing program.

9 COMMISSIONER STEBBINS: The updates
10 again, are great. Again, I'll throw the
11 licensing team under the bus and tell them that
12 they should be at your reverse vendor fair on
13 25 September. And I appreciated the snapshot
14 of your buying schedule, because I think that
15 will begin to give our vendor advisory team,
16 the chambers and everybody else some kind of
17 step.

18 Just making this calendar available,
19 you can begin to get a sense of who wants to
20 step forward and have that opportunity.
21 Obviously, some of the stuff breaks down to
22 one-time purchases versus kind of an ongoing
23 spending relationship.

24 MS. BAILEY: And I failed to

1 highlight one thing. We are doing -- We took
2 your advice and are now putting together or
3 creating a site within our site that allows for
4 us to post RFPs or any time contracts are going
5 to be available, whether it's preopening or
6 post-opening, so that people can have that
7 active accessible information as it relates to
8 contracts related to this facility.

9 CHAIRMAN CROSBY: Questions,
10 anything?

11 COMMISSIONER MCHUGH: I just have
12 one out of curiosity. As I look at the buying
13 schedule of page nine, why do you have to buy
14 Coca-Cola in the first quarter --

15 CHAIRMAN CROSBY: I was wondering
16 about that too.

17 COMMISSIONER MCHUGH: -- 2015.

18 CHAIRMAN CROSBY: A lot of that
19 tends to be contract negotiations. So, even
20 though we have a national contract with Coca-
21 Cola, being able to get the supply line put
22 into place, because we obviously sell a lot of
23 it. So, getting that into the streamline for
24 Coca-Cola as well as making sure that we're set

1 on our pricing and everything associated with
2 that.

3 COMMISSIONER MCHUGH: Oh, it's not
4 cans?

5 MS. BAILEY: No, no, it's big, big
6 jugs.

7 COMMISSIONER MCHUGH: Thank you.

8 CHAIRMAN CROSBY: It was
9 interesting. The only brand-name in the whole
10 list was Coca-Cola. It does jump out. Again,
11 Hank and Michael and Jill, the cross-promotion
12 with these things. People are going to come to
13 our site looking for help and we ought to make
14 sure it's real easy. I'm not sure what there
15 is now.

16 And promoting, and again the
17 specificity of this Hank, is an interesting
18 kind of newsworthy stuff and the schedule.
19 Anything else? Great. Thank you.

20 COMMISSIONER MCHUGH: Thank you very
21 much.

22 CHAIRMAN CROSBY: Very exciting.

23 MS. GRIFFIN: I believe a vote is --

24 CHAIRMAN CROSBY: Is there a vote?

1 MS. GRIFFIN: Yes.

2 CHAIRMAN CROSBY: On both?

3 MS. GRIFFIN: On both.

4 COMMISSIONER STEBBINS: Mr. Chair,
5 I'd move -- Can we do both at once or do we
6 need to separate ones?

7 MR. DAY: Both at once.

8 COMMISSIONER STEBBINS: Mr. Chair, I
9 move that the Commission give final approval to
10 the Plainridge Park Casino strategic plan to
11 engage and recruit the diverse under and
12 unemployed workforce population and the
13 Plainridge Park Casino purchasing practices
14 plan for local and traditionally disadvantaged
15 and diverse businesses.

16 CHAIRMAN CROSBY: Second?

17 COMMISSIONER ZUNIGA: Second.

18 CHAIRMAN CROSBY: Further
19 discussion? All in favor, aye.

20 COMMISSIONER MCHUGH: Aye.

21 COMMISSIONER CAMERON: Aye.

22 COMMISSIONER ZUNIGA: Aye.

23 COMMISSIONER STEBBINS: Aye.

24 CHAIRMAN CROSBY: Opposed? The ayes

1 have it unanimously.

2 MS. BAILEY: Thank you very much

3 CHAIRMAN CROSBY: Thank you. Good
4 stuff.

5 COMMISSIONER STEBBINS: Thanks for
6 your good work.

7 CHAIRMAN CROSBY: Okay.

8 MS. GRIFFIN: So, Commissioners. I
9 just wanted to update you and provide you a
10 brief update on what's been going on and how
11 I've been spending my time.

12 So, in addition to working with Penn
13 National regarding their diversity plans and
14 making sure the public has access to the
15 document and an opportunity to comment, we of
16 course have been providing them resources with
17 our vendor advisory team and assistance when
18 they need it.

19 So, for example we connected them
20 with all of our veteran resources recently.
21 And in addition to Penn, I'm starting to work
22 with -- I just had a conversation recently with
23 MGM out in Springfield. And they're going to
24 be meeting with our vendor team on the 25

1 August and we are starting to work on their
2 diversity plan.

3 Other ongoing work includes just
4 keeping track of the diversity hiring and the
5 contracting work with our licensee, meeting
6 biweekly with Pinck and company to make sure
7 that I know what's going on down there.

8 And continuing to work with my
9 colleagues at the Mass. Gaming Commission also
10 regarding the licensing of training schools and
11 our relationship with DPL, the Division of
12 Professional Licensure.

13 I'm starting to dive into workforce
14 issues. Looking ahead to when the Category 1
15 resort casinos begin construction and
16 operation, we're exploring how we implement
17 best practices to ensure diversity during
18 design and construction.

19 I had recent meetings for example
20 with the carpenters union and the Boston
21 Building Trades Council, really looking to
22 learn more about their pre-apprenticeship
23 program, Building Pathways.

24 We met recently also with members of

1 the policy group on tradeswomen, on best
2 practices for increasing gender and racial
3 diversity on construction sites. And we are
4 also exploring other possible collaborations
5 with public entities that have billions of
6 dollars of construction in the pipeline to see
7 if we can leverage best practices.

8 COMMISSIONER CAMERON: When you had
9 the meeting with the group to explore more
10 women and minorities, did they have any ideas?

11 MS. GRIFFIN: Actually, they had
12 some great ideas that we hope to share with our
13 licensees. They have recently just published a
14 best practices guide that talks about exactly
15 what you can do to increase women on the
16 construction site.

17 And what I'd like to do is perhaps
18 in the future invite them to share the
19 information with the Commission and with the
20 licensees as well. It was a very productive
21 meeting.

22 COMMISSIONER CAMERON: Excellent.

23 CHAIRMAN CROSBY: Yes. That's what
24 we've been looking for is how do you get it

1 from the warm and fuzzy to really operational,
2 institutionalizable practices that will make a
3 difference, really tangible plans. And as Jill
4 has been going around talking to people, (A) we
5 have really learned a lot of real stuff.

6 This is not rocket science. This is
7 blocking and tackling. If you try hard enough,
8 you will find people of diverse backgrounds and
9 women to take these positions. And if you
10 don't, you won't.

11 But we've picked up a lot of really
12 specific strategies, and we're going to talk a
13 lot more about this. But Jill has picked up a
14 lot of other ideas that have kind of been
15 floating around. And she and Commissioner
16 Stebbins and I have been exploring the idea of
17 getting Massport and the Convention Center
18 Authority and the Gaming Commission to team up,
19 because amongst us we have a huge amount of (A)
20 construction coming along and (B) hospitality
21 employment coming along. If we could organize
22 our efforts together and push programs together
23 that is a lot of muscle.

24 So, we've met now with Massport and

1 the Convention Center together. They have all
2 agreed to work with us on four particular
3 ideas. One is to figure out how we can
4 facilitate the link between small businesses
5 and particularly diverse small businesses, but
6 small businesses and financial institutions so
7 they can get the capital and get the credit and
8 so forth to take advantage of all of these
9 opportunities as we are pushing these
10 businesses to reach out to these kinds of
11 businesses.

12 Second, is to dramatically
13 strengthen the pipeline of minority and women
14 in the construction trades. And get everybody
15 involved so you don't have the union saying
16 they're not looking hard enough and the
17 companies saying they don't have any. So,
18 everybody gets in the same room and adopts the
19 same strategies.

20 Unite Here has a small hospitality
21 training center that is similar to the big one
22 they have at Las Vegas. They've been
23 interested in trying to expand the capacity of
24 the hospitality training center. And we've

1 talked with them about maybe the three public
2 agencies together -- what's your plan for
3 outreach? What would it cost to expand the
4 facility? Are there the bodies to be trained?

5 And we're meeting with Unite Here
6 and the other institutions. And Unite Here has
7 also spoken to Mayor Walsh. And Mayor Walsh
8 wants Felix Arroyo from his office to be a part
9 of it. So anyway, there's a lot of interest
10 behind that.

11 And then the last one, a guy name
12 Darryl Settles who is a businessman in town,
13 and I think actually serves on the Convention
14 Center Authority board has been talking about
15 some kind of an entrepreneurial training center
16 that could be focused on minority entrepreneurs
17 and helping them develop the tools to be
18 successful. And we're pursuing that too.

19 So, all four of those ideas, most of
20 them come right out of all of the digging that
21 Commissioner Stebbins and Director Griffin have
22 been doing. But they're interesting enough
23 that we've been able to coalesce potentially
24 really big institutional effort behind it.

1 COMMISSIONER MCHUGH: That's really
2 exciting.

3 CHAIRMAN CROSBY: Yes, it's good
4 stuff.

5 MS. GRIFFIN: So, I'll just add that
6 the financing piece that Chairman Crosby
7 mentioned was something that grew out of a
8 meeting with the Greater New England Minority
9 Supplier Development Council, the supplier
10 diversity office for the state and the MBDA
11 Boston Business Center. They highlighted a
12 specific need that minority businesses tend to
13 have regarding financing.

14 The potential need for contract
15 financing, for example, to help them grow or to
16 meet the needs should they get a contract with
17 a casino, we want to make sure that they are
18 successful. So, we've partnered with SBA and
19 other financial institutions and we really hope
20 to or plan to roll out this idea further. So,
21 you'll be hearing more and more about that.

22 COMMISSIONER CAMERON: Excellent.
23 Thank you.

24 COMMISSIONER STEBBINS: One final

1 bit of good news that we heard about this week
2 with the introduction of the oyster bar at
3 Plainridge, now all of a sudden our friends at
4 fisheries are getting all excited about it.

5 CHAIRMAN CROSBY: Great.

6 MS. GRIFFIN: Yes, yes.

7 CHAIRMAN CROSBY: One example, the
8 kind of very practical advice we got from this
9 group that Jill was talking about women in the
10 trades, the woman who runs this program drew a
11 triangle, a pyramid, and talked about how where
12 the efforts have been in the past has been at
13 the level for example in our situation, Penn
14 National and Turner, have the right intentions,
15 say all of the right things, try hard. But you
16 start to go down the layer of responsibility
17 and you finally get to the subcontractors.

18 And within the subcontractors,
19 you've got a vast range of interest. Some get
20 it, really interested, some are utterly
21 uninterested. But the subcontractors are the
22 ones that interact with the unions to actually
23 do the hiring.

24 So, if you don't create traction

1 between the subcontractors and the unions, and
2 if you don't have mechanisms in place to hold
3 the subcontractors accountable, and if you
4 don't have a way to get the subcontractors and
5 the unions in the same room so they can't both
6 lie about what the other one is not doing, you
7 won't be successful.

8 COMMISSIONER CAMERON: I think a
9 secondary issue certainly has to be retention.
10 It might be blocking and tackling to get people
11 in the door, but I think it's another issue
12 when you talk about retention in this area.

13 MS. GRIFFIN: Right. So, the other
14 point was to a successful monitoring system
15 that included all parties at the table, the
16 unions, the primes and the licensee as well as
17 the Commission. So, regular review of the
18 numbers. It was very helpful, like I said.

19 CHAIRMAN CROSBY: We'll bring Susan
20 Moyer in some day. You will like this woman.

21 MS. GRIFFIN: She knows her stuff.

22 COMMISSIONER CAMERON: I look
23 forward to it.

24 CHAIRMAN CROSBY: She was also

1 clear. She said you get all of the systems in
2 place. We've got the best practices and here's
3 the steps. We'll give you the steps. But
4 there's one other thing you need and that's a
5 bad-ass champion. And she is a serious bad-ass
6 champion.

7 COMMISSIONER CAMERON: Thank you.

8 COMMISSIONER MCHUGH: That's great,
9 thanks.

10 MS. GRIFFIN: Great, thank you.

11 CHAIRMAN CROSBY: Let's take a quick
12 break before we invite Mark up, because that's
13 going to take a while.

14

15 (A recess was taken)

16

17 CHAIRMAN CROSBY: We are ready to
18 reconvene. Is Jill out there?

19 COMMISSIONER CAMERON: I just walked
20 by her in the hall headed the opposite way.

21 CHAIRMAN CROSBY: Maybe she's going
22 home. I had just forgotten. This group that
23 we were talking about that has been so
24 interesting in helping people meet diversity

1 objectives ran the project for the construction
2 work at the Integrated Science Center, which is
3 one of two new buildings being built at UMass
4 Boston. And the numbers that they attained, do
5 you remember them, Bruce? It's incredible.

6 COMMISSIONER STEBBINS: It's much
7 higher than obviously the Administrative
8 Bulletin set forth.

9 CHAIRMAN CROSBY: It was like 49
10 percent minority, I think, 82 percent citizens
11 of Boston, 49 percent minority and 17 percent
12 women or something.

13 COMMISSIONER CAMERON: This is
14 construction?

15 CHAIRMAN CROSBY: This is
16 construction for the building of this \$800
17 million building on the UMass Boston campus
18 just by using these mechanisms and not taking
19 no for an answer. Really impressive.

20 Okay. Item number six on our agenda
21 is Director Vander Linden.

22 MR. VANDER LINDEN: Thank you,
23 Commissioners. I am pleased to bring back
24 before you for your consideration and your

1 recommendations the Responsible Gaming
2 Framework. Just I think by way process, I'll
3 give you a little bit of background on it, the
4 rationale, the whyfor we've done it, the
5 process before I dive into the strategies that
6 are being recommended, if that's okay with you.

7 So, the Responsible Gaming Framework
8 provides an approach through which the
9 Massachusetts Gaming Commission licensees can
10 ensure that their general gaming practices are
11 consistent with the Commission's expectations
12 that the licensed businesses will be conducted
13 in a responsible manner to minimize harm caused
14 by gambling to individuals, families and
15 communities.

16 The framework supports the
17 implementation of the Expanded Gaming law. It
18 does include a number of key mandates to ensure
19 the successful implementation of expanded
20 gaming including protection for host and
21 surrounding communities and mitigation of the
22 social impacts and costs.

23 The framework and the measures
24 contained within it are intended to inform

1 gaming regulation in Massachusetts, provide an
2 overall orientation to responsible gaming
3 practices and policy adopted by licensees and
4 provide the general public with a concise
5 description of the measures taken by the
6 Commission and its licensees designed to
7 mitigate unwanted consequences of expanded
8 gaming.

9 The Responsible Gaming Framework is
10 based on a commitment by the Massachusetts
11 Gaming Commission and its licensees and guiding
12 value of ethical and responsible gaming
13 behavior.

14 Just by way of I wanted to give you
15 a couple of the key terms. There are many
16 definitions of what responsible gaming is.
17 There's many definitions of what problem
18 gambling is. We selected these definitions
19 intentionally because we felt that it best fit
20 the needs of this framework.

21 So, as we define responsible gaming
22 in this framework, responsible gaming is a
23 provision of gambling services in a way that
24 seeks to minimize harm to customers and the

1 community associated with gambling.

2 Problem gambling is characterized by
3 difficulties in limiting money and/or time
4 spent on gambling which leads to a continuum of
5 adverse consequences for the gambler, others
6 and the community.

7 That definition, I just want to
8 provide a little bit of background on. There
9 is the clinical definition of what a gambling
10 disorder is. This term would fall on the far
11 continuum, far side of the continuum of
12 gambling related harm. We want to recognize
13 that gambling harm can fall in a whole
14 continuum from minimal harm all of the way to
15 disordered gambling. And that it's not just
16 limited to the individual. It also includes
17 harm that could be caused to families as well
18 as to communities.

19 COMMISSIONER MCHUGH: So, there's a
20 disjunctive between time and money in that
21 definition. Why is time standing alone
22 indicative of a problem? Some people watch too
23 much television.

24 MR. VANDER LINDEN: Correct. But

1 what does watching too much television or in
2 this case what does participating in gambling
3 too frequently or too often, how does that
4 impact with their life? It doesn't necessarily
5 just fall to money. That wouldn't be a very
6 good way to look at it.

7 But if you include time in there,
8 what is the impact on family life, on your work
9 life balance, on other types of relationships
10 that you may have that can actually cross the
11 line and become harmful to the individual.

12 COMMISSIONER MCHUGH: I get it, but
13 that can also be said of -- And I wasn't being
14 entirely facetious, too much television, too
15 much time on the computer, too much time on the
16 iPhone, pulling out the iPhone at dinner with
17 your significant other.

18 Why is time alone something that
19 ought to be dealt with in a set of regulations
20 or a set of responsible gaming practices as
21 apart from that other part of the continuum of
22 isolating --

23 CHAIRMAN CROSBY: To put it another
24 way, it's a really interesting point. Is there

1 a phenomenon of people who we would consider to
2 be problem gamblers whose problem is only too
3 much time and it doesn't have anything to do
4 with money? Is it a separate issue?

5 MR. VANDER LINDEN: Right. It would
6 be one of the diagnostic criteria of a gambling
7 disorder where it's preoccupation with
8 gambling. It would be time spent gambling that
9 would impact your relationships with families
10 and work and others.

11 I don't have the exact words of the
12 criteria, the SM criteria for a gambling
13 disorder but it is contained within at least
14 two of the criteria, I would say, within the
15 gambling disorder.

16 COMMISSIONER MCHUGH: I hear that,
17 but I've said what I've said. I have observed
18 that kind of isolating behavior caused by other
19 devices and other pursuits and wonder -- And I
20 will come back to it. I'll think more about
21 it. I'd welcome talking to you more about it
22 -- but why time alone is something that ought
23 to concern us in a way that is different from
24 the time, the isolating time spent on other

1 devices or pursuits?

2 MR. VANDER LINDEN: Again, a couple
3 of points out that I would make to that. It's
4 on a continuum, so all of the way from minimal
5 amount of harm to extreme harm for one. And
6 two, you can't define a problem gambling by
7 money alone. So, what are the other ways in
8 which you can define you would need to
9 consider, what are the other ways that you
10 would consider it? And time would probably be
11 the second.

12 COMMISSIONER MCHUGH: You could but
13 you define it -- You could define it. Maybe we
14 haven't, but you could define it by tangible
15 harms like uncontrollable money loss. You
16 could define it that way.

17 MR. VANDER LINDEN: Yes, agreed.

18 CHAIRMAN CROSBY: You were really
19 just taking exception to the word or, right?

20 COMMISSIONER MCHUGH: Yes.

21 CHAIRMAN CROSBY: If it was an and,
22 we wouldn't be having this conversation.

23 COMMISSIONER MCHUGH: First of all,
24 I think this is an enormously important effort.

1 I've got a lot of questions, but I think it's
2 an enormously important effort. But I just
3 wonder what the limits of it are. But you are
4 right, it's the or.

5 CHAIRMAN CROSBY: It's the or. I
6 think it's interesting.

7 MR. VANDER LINDEN: Commissioner,
8 certainly we can wordsmith the definition of
9 problem gambling if you feel like as we're
10 going through this document that there's a
11 definition that would more readily accomplish
12 the task.

13 COMMISSIONER MCHUGH: That's why I'm
14 glad we're having this discussion today before
15 we vote on it, because I would like to think
16 about it. As I say, I applaud the effort and I
17 applaud the energy that's gone into it. It's
18 enormously important. So, nothing I say today
19 should detract from that.

20 CHAIRMAN CROSBY: I also think on
21 the one hand it's two letters O-R. But on the
22 other hand, especially something like this, we
23 really want to have clear precise thinking. We
24 don't want can't. We don't want myths. We

1 don't want emotion.

2 We want this to be really rigorous,
3 well-thought-out. And the kind of question
4 Commissioner McHugh is asking is precisely that
5 kind of rigor maybe or should be there. But
6 this is the kind of rigor we want to bring to
7 this. This is not a place to be cutting
8 corners on the clarity of our thought.

9 MR. VANDER LINDEN: Absolutely. I
10 have to say we struggled with the definition
11 for problem gambling. And we looked at many
12 different definitions. And in fact, there is
13 no clear winner. There's nothing that stands
14 alone. And that's why we selected that.

15 So, I think that I could not agree
16 more, Mr. Chairman. We should look at this
17 critically. And I want to get this right. I
18 want the Commission to feel comfortable. And I
19 want this to be the document that kind of
20 drives forward efforts for -- as we address and
21 look at mitigating problem gambling and
22 promoting responsible gambling.

23 COMMISSIONER ZUNIGA: Can I say
24 something because I happen to be a lot more

1 familiar with the efforts perhaps Chairman
2 Crosby as well. Could you describe the process
3 a little bit more that has taken you to today?
4 Maybe you were about to do that.

5 But in the acknowledgments, there is
6 a very small piece that acknowledges the Mass.
7 Partnership on Responsible Gaming. And I had
8 the luxury of going to the last meeting.
9 There's a lot of great work that has happened
10 including the licensees and applicants and the
11 feedback that they've brought throughout this
12 process.

13 So, I think it would be really
14 helpful if you describe that a little bit more.

15 MR. VANDER LINDEN: Gladly, gladly.
16 I think that the process for the framework
17 began last October, October 28 to be exact, as
18 we had our responsible gaming forum that was
19 hosted by the Commission. And we invited a
20 number of experts.

21 We had a couple of local experts.
22 There's a wealth of knowledge in the Boston
23 area. But we also invited a number of experts
24 just in the field in general, national and even

1 from Canada to talk about different elements of
2 responsible gaming, and provide the Commission
3 with some background information and some
4 recommendations on how to move forward.

5 From that point, I worked closely
6 with Dr. Jeff Marotta of Problem Gambling
7 Solutions as well as the Massachusetts Council
8 on Compulsive Gambling, Marlene Warner. We
9 took a look, did extensive research, looked at
10 a broad range of resources including we did a
11 literature review looking at academic papers.
12 We looked at policy papers, investigative
13 reports, jurisdictional reviews, corporate
14 reporting documents and legislation in
15 Massachusetts as well as in other
16 jurisdictions. I have those listed here as
17 well as just a very small sample of most
18 influential documents that informed the
19 framework.

20 That first draft was presented to
21 the Commission in March of this year. The
22 draft was then put out for public comment. We
23 received extensive public comment, extensive
24 support as well as extensive criticism of the

1 document.

2 We decided that we would take it a
3 step further and make sure that we really pay
4 attention to what the critique of the document
5 was. And when I brought it back before the
6 Commission in May to just kind of figure out
7 what our next steps are after we received the
8 feedback, we decided to further engage
9 interested parties, I'll say.

10 It certainly included our licensees.
11 And it certainly included the applicants, but
12 there were a number of other individuals that
13 expressed interest in this document. And that
14 included the National Center for Responsible
15 Gambling, the American Gaming Association, even
16 the Attorney General's Office, the National
17 Council on Problem Gambling. All of whom had
18 had an interest in what we were doing in
19 Massachusetts in this document specifically,
20 and we invited their input.

21 We used the Massachusetts Council on
22 Compulsive Gambling -- They have a partnership
23 for responsible gambling that bubbled up as a
24 program out of their operation. -- as kind of

1 the organizing body to talk about the issues
2 that came up and make sure that we were
3 settling -- I wouldn't say necessarily
4 compromise, but we made sure that we got all of
5 the issues on the table and we're looking at it
6 from all angles.

7 CHAIRMAN CROSBY: Explain who is in
8 the partnership.

9 MR. VANDER LINDEN: That's great.
10 Yes, the partnership, it included Wynn. It
11 included Mohegan Sun. It included Penn. It
12 included MGM. It also included the
13 Massachusetts Lottery. Beth Bresnahan has
14 attended those meetings. And in addition
15 Christine Riley, research director for the
16 National Center for Responsible Gaming
17 attended. The American Gaming Association,
18 their director of research attended by phone.
19 Keith Whyte from the National Council on
20 Problem Gambling, their executive director
21 attended regularly in addition to the Mass.
22 Council on Compulsive Gambling.

23 Overall, I think it was absolutely
24 the right step to take this back out, to step

1 back from it. Take a look at what the issues
2 were and make sure that we fully vetted and got
3 the feedback and heard different points of view
4 on it.

5 We had three meetings with the Mass.
6 Partnership for Responsible Gaming to take a
7 look at, I would say, what were kind of the
8 highest, the strategies that got the most
9 attention and the most criticism. That
10 included, I believe, it was credit extension,
11 responsible gaming information centers and as
12 we defined it in the first draft pre-
13 commitment.

14 There were others but those were the
15 three that we really targeted to make sure that
16 we fully discussed those.

17 CHAIRMAN CROSBY: Is that what you
18 were looking for?

19 COMMISSIONER ZUNIGA: Yes, thank
20 you.

21 COMMISSIONER MCHUGH: That sort of
22 leads into the next sort of thematic question
23 that I had. And that is this is not a or is it
24 a consensus document?

1 MR. VANDER LINDEN: I would not call
2 it a consensus document. I would say that, and
3 as we go through the strategies I'll point out
4 where there remains some disagreement I would
5 say in terms of where our applicants and
6 licensees landed and what the recommendations
7 are.

8 COMMISSIONER MCHUGH: Is that the
9 principle divide, i.e., between us and the
10 applicants or licensees?

11 MR. VANDER LINDEN: That may be
12 oversimplifying it. I don't necessarily know
13 where the full extent of where that divide is.

14 COMMISSIONER MCHUGH: No. I mean is
15 there any divide between this document and
16 let's call them the responsible gaming forces?

17 MR. VANDER LINDEN: There is wide
18 support and general consensus that this is a
19 solid document from that sector.

20 COMMISSIONER MCHUGH: I don't want
21 to oversimplify it. I'm just trying to
22 understand. To the extent a divide exists,
23 it's between the document and the applicants
24 and licensees.

1 MR. VANDER LINDEN: Correct. I
2 would include the American Gaming Association
3 in that as well and the feedback that we
4 received from them.

5 COMMISSIONER MCHUGH: Okay.

6 CHAIRMAN CROSBY: To this point
7 specifically at the last partnership meeting
8 where we talked about at great length about
9 what was in the earlier draft referred to as
10 pre-commitment, which is the most controversial
11 issue, I said explicitly that Mark has gone out
12 of his way to want to make this document
13 something that everybody buys off on if it's
14 possible. But it is not meant to be a race to
15 the bottom. We asked Mark --

16 COMMISSIONER MCHUGH: I understand.

17 CHAIRMAN CRSOBY: I'm just
18 explaining what the thought process was so
19 everybody knows. What we have asked Mark is to
20 give us his best judgment about what he thinks
21 we ought to do apropos of responsible gaming.
22 If that can be something that everybody else
23 buys into, terrific. And that's the strategy
24 that Mark's been trying to use.

1 If it turns out that it's not, then
2 we are asking him to give us his best judgment.
3 We may or may not agree with it. But in the
4 end, you're going to get in the document here
5 what Mark thinks and the final analysis is the
6 way we ought to go.

7 COMMISSIONER MCHUGH: Gotcha, but it
8 also would be helpful in analyzing it to know
9 where the principles in disagreement are.

10 CHAIRMAN CROSBY: Absolutely,
11 totally, you will. One last introductory thing.
12 Just make the comment -- Tell them about the
13 phone call you had from the Canadian researcher
14 yesterday just so people get a sense of the
15 context of where this fits in the world.

16 MR. VANDER LINDEN: Right. It's
17 received pretty wide support from different
18 entities. Certainly, the National Council on
19 Problem Gambling, Keith Whyte, has been
20 incredibly supportive in applauding this
21 document.

22 Yesterday, I had a conversation with
23 Jamie Wiebe who is the research director at the
24 Ontario Responsible Gaming Council. And

1 they've done extensive review of different
2 issues, responsible gaming issues. But
3 probably most recently, she had led an effort
4 to evaluate the pre-commitment program in Nova
5 Scotia.

6 I forwarded to her the document just
7 for her general feedback. And she called back
8 a couple of hours later and said that she had
9 never seen a document that was so well put
10 together, and was a bit surprised, I think,
11 that it came from a U.S. jurisdiction.

12 That generally these types of plans
13 -- This has not been done in the United States
14 before, which I think is another important
15 point to make. This type of framework has not
16 been done in a US state that I know of. And I
17 certainly haven't seen, or it hasn't been
18 widely distributed. But it has been done in
19 other jurisdictions. She said it was well put
20 together. It was well thought out. And the
21 strategies seemed quite comprehensive.

22 COMMISSIONER MCHUGH: Great.

23 MR. VANDER LINDEN: I wanted to talk
24 just a moment about the guiding values and

1 approach. And I'm not going to read to you the
2 mission statement of the Massachusetts Gaming
3 Commission. I suspect you all know that.

4 But as I see it, there are three
5 main points to it. First is to provide the
6 greatest economic development benefits and
7 revenues to the people of the Commonwealth.
8 Two is to reduce to the maximum extent possible
9 the potential negative and unintended
10 consequences of the new legislation or of
11 gaming. And three is to allow an appropriate
12 return on investment for gaming providers that
13 assures the operation of casino resorts of the
14 highest quality.

15 I think that this is an important
16 point. And as we look to pull this framework
17 together, you can't just pull one out and say
18 this outweighs everything else. What we tried
19 to do was present a framework and the
20 recommendations, the strategies, the measures
21 are balanced with the other two priorities that
22 are identified within the mission.

23 In terms of the approach, the
24 Responsible Gaming Framework, we've adopted an

1 evidence-based approach. The problem with an
2 evidence-based approach in terms of responsible
3 gaming is there isn't very much evidence.
4 There's very little consensus.

5 If you look at a different field, if
6 you look at the mental-health field, if you
7 look at substance abuse just per se, it
8 includes a lot of identified best practices,
9 peer-reviewed empirical data that would support
10 different types of intervention or prevention
11 initiatives. Very little of that exists within
12 the responsible gaming realm or even within the
13 problem gambling realm.

14 So, we try to adopt that evidence-
15 based approach where necessary, where there was
16 sound evidence or research available. But
17 where there wasn't, where it was completely
18 missing, where it was ambiguous or uncertain,
19 we adopted a precautionary approach. And I
20 think that this is an important point.

21 The precautionary approach, it
22 rejects the notion that the risks are
23 acceptable until harm has been proven. Or that
24 risk can continue unmitigated until such a time

1 as the effectiveness of harm minimization
2 measure is proven.

3 While the responsible gaming
4 measures will be evaluated and continuously
5 improved on, measures driven by a precautionary
6 approach will be subject to a more rigorous
7 type of evaluation. Measures that you all
8 would approve.

9 CHAIRMAN CROSBY: Mark, excuse me,
10 apropos of Commissioner McHugh's question, this
11 is one of the places where you do get pushback.
12 What Mark just said sounds logical, but there
13 is a theory that you hear often in this
14 business that we shouldn't do anything that
15 hasn't been peer-reviewed.

16 We shouldn't implement any policy
17 that hasn't been peer-reviewed. One way to
18 look at it that's another way of saying you
19 can't do very much because nothing's been peer-
20 reviewed, hardly anything has been peer-
21 reviewed. So, Mark's taking this position as
22 explicitly as he is actually a somewhat
23 controversial policy.

24 COMMISSIONER MCHUGH: Yes. And I

1 agree with the approach but we also talked some
2 time ago about the possibility of getting data
3 and doing some of this precautionary, taking
4 the precautionary approach in a setting in
5 which there were control groups so that you
6 could get some data. Some places that's not
7 possible, I am sure. But some places it may
8 be.

9 So, in discussing this, I wanted to
10 follow up. Has there been any thought given to
11 executing that approach to any of this? And if
12 not, why not?

13 MR. VANDER LINDEN: Yes, there has
14 been some consideration of that. And it
15 depends on what measure that we're talking
16 about. I think that there's a number of
17 different options.

18 If we could, as we get through the
19 measures and we can talk about different
20 options that we perhaps have through different
21 measures that have at least been discussed. I
22 think that that may answer your questions
23 without straying too far right now.

24 CHAIRMAN CROSBY: Just to be direct

1 about this, the lingering big issue still is
2 the so-called pre-commitment issue. I don't
3 think there's much controversy about almost
4 anything else that's in here, now I don't
5 think. And on that issue, both MGM and Penn
6 National have expressed some willingness to
7 consider the possibility of a real test on
8 various aspects.

9 COMMISSIONER MCHUGH: That's exactly
10 the kind of thing I'm talking about.

11 CHAIRMAN CROSBY: It's a lot
12 easier --

13 COMMISSIONER MCHUGH: And that's an
14 ideal one to pick because it seems to me it
15 would be fairly easy to set up a control group.

16 CHAIRMAN CROSBY: It's pretty hard
17 to do, but in any case we are very much looking
18 at it. And we're in conversations with at
19 least two companies about the possibility of
20 doing it.

21 COMMISSIONER MCHUGH: Okay.

22 MR. VANDER LINDEN: Thank you.

23 COMMISSIONER MCHUGH: In terms of
24 specific comments, when is the right time to do

1 that? Does that depend on the level of the
2 comment?

3 MR. VANDER LINDEN: Specifically,
4 regarding pre-commitment, I think that --

5 COMMISSIONER MCHUGH: No, just as we
6 go through this document. And I'll be happy
7 just to send comments to you. But I had a
8 comment about the balance that you struck here,
9 the potential harms that can be associated with
10 gambling or balance with generating the
11 greatest possible revenues. Is that kind of
12 comment something I should make offline to you?

13 By consensus, how should we do this?

14 COMMISSIONER ZUNIGA: Just bring it
15 up right here.

16 CHAIRMAN CROSBY: Anything that's
17 remotely substantive I would bring it up. This
18 is the time. This is going to be one of our
19 seminal documents.

20 COMMISSIONER MCHUGH: So, I wonder
21 at that balance if it were liquor that we were
22 talking about, I think everybody would shrink
23 from that balance. And we're not committed in
24 our mission statement to generate the greatest

1 possible revenues.

2 We are committed to generating and
3 ensuring the generation of a rate of return
4 that's sufficient to operate first-class
5 facilities and provide a reasonable rate of
6 return. And that strikes me as a much better
7 balance for assessing the harms, because the
8 harms, when measured against the greatest
9 possible revenues, are likely to come out on
10 the losing end.

11 MR. VANDER LINDEN: Yes. I
12 absolutely agree.

13 COMMISSIONER MCHUGH: So, that's a
14 comment I offer.

15 MR. VANDER LINDEN: I think perhaps
16 there needs to be some wordsmithing in there
17 because I think that was the intention of that
18 statement and it obviously was lost in there.

19 CHAIRMAN CROSBY: Go ahead.

20 MR. VANDER LINDEN: I think that
21 actually that leads to one of the regulatory
22 objectives to the very first regulatory
23 objective as we move into the next page looking
24 at the goals and objectives.

1 The goal is to create a sustainable
2 measurable, socially responsible and
3 accountable approach to gaming. Within that
4 goal we identify three different types of
5 objectives regulatory, research and education.

6 I think that Commissioner your point
7 is captured in the first. I don't know if you
8 feel like perhaps that is better said in that
9 regulatory objective, but the regulatory
10 objective to minimize harm from gambling to
11 individuals, families and communities
12 commensurate with the good of the Commonwealth
13 and gaming licensees.

14 The second regulatory objective to
15 promote best and promising responsible gaming
16 practices in all aspects of licensees'
17 activities. And the third being to utilize
18 principles in responsible gaming in introducing
19 all new and emerging technologies.

20 The research objectives, inform best
21 practices in responsible gaming strategies and
22 methods, problem gambling treatment and
23 prevention and responsible gaming messaging.
24 And the second to create and translate

1 knowledge to support evidence informed
2 decision-making about gambling policy and
3 regulation.

4 Education objectives include
5 providing accurate and balanced information to
6 enable informed choices to be made about gaming
7 activities. Provide patrons adversely affected
8 by gambling to timely access and appropriate
9 information on problem gambling and where
10 assistance in dealing with such matters can be
11 obtained.

12 And finally, to create a shared
13 understanding of responsible gaming practices
14 among individuals, communities in the gambling
15 industry and the government.

16 So, next is moving onto the
17 strategies. There are five strategies that I
18 identify. And with each of those strategies
19 there are a number of different practice
20 considerations that I'll go over.

21 But just generally to kick it off,
22 the five are to commit to corporate social
23 responsibility, to enhance personal
24 responsibility, to provide protections within

1 the physical environment, to ensure responsible
2 marketing, to limit high-risk financial
3 transactions and finally to engage in the
4 community.

5 CHAIRMAN CROSBY: Ensure responsible
6 marketing does not show up on my draft.

7 MR. VANDER LINDEN: Okay.

8 COMMISSIONER ZUNIGA: Yes, there's
9 six. It's missing from the summary but it's in
10 the document.

11 COMMISSIONER MCHUGH: I'm working
12 from the red-line version, and that was there
13 originally and it's now stricken out.

14 CHAIRMAN CROSBY: It's missing on
15 your list here on that page. It's not a big
16 deal.

17 MR. VANDER LINDEN: Okay. Very
18 good. I'll make sure I correct that. One
19 thing I'd like to point out that one is that it
20 seems like a lot of these measures are directed
21 towards our licensees, but I also want to point
22 out much as this process has been is that it's
23 not them in isolation that is carrying it out.
24 That we as a Commission have a responsibility

1 that the Department of Public Health has a
2 responsibility.

3 There are a number of people, of
4 entities that have a responsibility to ensuring
5 the successful implementation of the
6 responsible gaming strategies. That includes
7 how they are implemented, how they're evaluated
8 and how they're carried out.

9 COMMISSIONER MCHUGH: That raises
10 for me a question about the middle paragraph
11 below the list there. The first sentence, the
12 Responsible Gaming Framework strategies and
13 practices will be monitored and evaluated
14 regularly for effectiveness and fidelity. The
15 original draft said by MGC licensees and now
16 this just a period without saying who is going
17 to do this. I assume that was intentional.

18 MR. VANDER LINDEN: That was
19 intentional. And I think that was feedback
20 that we had received from the first draft that
21 had questions of why that fell exclusively onto
22 them. I think that that was absolutely right
23 that there is a shared responsibility in
24 overseeing that. Rightfully so, that it

1 shouldn't fall just to us. It shouldn't fall
2 just to them.

3 COMMISSIONER MCHUGH: I fully agree,
4 but is it worth saying that here?

5 CHAIRMAN CROSBY: Like by all
6 parties?

7 COMMISSIONER MCHUGH: By listing it,
8 by MGC, the licensees, DPH. I don't know.
9 This is a discussion item.

10 COMMISSIONER ZUNIGA: I actually had
11 a related question, a related point on that
12 when we got to strategy two, because I think
13 there's a clear role for the MGC there. So, I
14 think it is in the details, I guess.

15 When we are talking in a summary
16 level, maybe that's kind of hard to pin point.
17 If we're talking about specific strategies or
18 eventually regulation that clearly is better
19 understood.

20 COMMISSIONER MCHUGH: Yes. I
21 understand that. It just seems to me that if
22 we're going to have an overarching strategy,
23 which we are, it'd be worthwhile to say
24 something about who we expect to be our

1 partners in making this thing work at some kind
2 of a high level. Maybe it's just by many
3 different public and private agencies and then
4 the details come later. But it seems to me
5 it's worthwhile saying something about who we
6 think is going to do this.

7 MR. VANDER LINDEN: It is captured
8 to some degree in guiding values and approach
9 that MGC believes that licensees do not have an
10 isolated role in minimizing the potential harm
11 of gambling. Government, science, industry and
12 gaming consumers must all take a part to most
13 effectively minimize harm caused or exacerbated
14 by gambling.

15 COMMISSIONER MCHUGH: I just raise
16 the point and think about it.

17 MR. VANDER LINDEN: Sure. As I
18 pointed out before, there really is not great
19 science backing up a lot of responsible gaming
20 strategies. It's a relatively young area. And
21 I make a point at the bottom of the strategy
22 section to state that as best practices change,
23 as technology emerges that we will continue to
24 evaluate our approach and change in response to

1 those emerging and best practices.

2 Moving onto the strategies, the
3 first of the six strategies, which is to commit
4 to corporate social responsibility. So,
5 generally speaking, the aim of corporate social
6 responsibility is to minimize the negative
7 environmental and social impacts and maximize
8 the positive impacts.

9 To demonstrate a commitment to
10 promote responsible gaming and addressing
11 problem gambling, each licensee will include
12 responsible gaming policies within their code
13 of ethics and implement a responsible gaming
14 plan. So, these documents will be specific to
15 licensees' operations in order to educate
16 employees about responsible gaming and their
17 role in promoting a responsible gaming --

18 CHAIRMAN CROSBY: Let's not read
19 each one of these.

20 MR. VANDER LINDEN: Sure.

21 COMMISSIONER STEBBINS: On this
22 strategy, Mark, number one, bullet number one
23 and bullet number five seem to be redundant.

24 MR. VANDER LINDEN: So, that would

1 be to educate employees about responsible
2 gaming and their role in promoting a
3 responsible gaming environment inclusive of the
4 requirement that all employees participate in
5 MGC approved responsible gaming employee
6 training programs. And provide employees with
7 clear statements of expectations and
8 responsibilities including an emphasis on the
9 importance of employees in promoting
10 responsible gaming and creating a healthy
11 gaming environment.

12 The first bullet is specific about
13 training. Obviously, think that without
14 identifying and diving too deep into what is
15 the content of the employee training that we
16 would recommend, it's stating that that is an
17 important element of corporate social
18 responsibility.

19 And the fifth one providing
20 employees with a clear statement of
21 expectations and responsibilities including an
22 emphasis on the importance of employees and
23 promoting responsible gaming.

24 I believe one deals more with like

1 an actual training curriculum, a training
2 program. And the other perhaps would be better
3 suited to be included in a code of ethics or a
4 general guiding statement.

5 CHAIRMAN CROSBY: Any questions
6 about any of those bullet points under strategy
7 one?

8 MR. VANDER LINDEN: Okay.

9 COMMISSIONER CAMERON: Looks good.

10 MR. VANDER LINDEN: In the spirit of
11 not just reading from this document, which I
12 fully support, we would move on then to
13 strategy two, which is enhance personal
14 responsibility.

15 I want to say that that includes
16 this overarching idea of implementing or using
17 an informed decision-making framework. The
18 informed decision-making framework was
19 developed by the Responsible Gaming Council,
20 the Ontario Responsible Gaming Council. It is
21 a pretty lengthy document where I provide a
22 summary of it in section 2.1, provide a little
23 bit more detail in Appendix A. But it is
24 certainly a document that has much more content

1 to it, but I think that this captures the
2 general idea.

3 COMMISSIONER CAMERON: I had
4 question with this informed decision-making.
5 Because you are talking about it with regard to
6 personal responsibility, correct?

7 MR. VANDER LINDEN: Correct.

8 COMMISSIONER CAMERON: I had a
9 question about in reading the definition of the
10 intensive gambler, which there is no negative
11 connotation there, would you agree? It is just
12 outlining the fact that the person may gamble
13 weekly, correct?

14 MR. VANDER LINDEN: Weekly or more,
15 yes.

16 COMMISSIONER CAMERON: And then when
17 we get to the informed decision-making, when
18 you talk about the intensive gambler, there
19 really is a negative connotation to that piece
20 of it. I was just wondering if we were taking
21 too big a leap to do that.

22 So, if you look under the informed
23 decision-making, the self-assessment tools when
24 you go to intensive -- Do you know what I'm

1 saying? It really talks about --

2 MR. VANDER LINDEN: So, intensive,
3 speaking from Appendix A where intensive
4 gamblers need to be informed of their play
5 activity and offered self-assessment tools that
6 draw attention to the consequences of their
7 actions and the options available for help in
8 addressing them.

9 COMMISSIONER CAMERON: Yes. So, I
10 think we're making a leap that there's a
11 problem just because you're an intensive
12 gambler. Do you know what I'm saying? I
13 wonder if that's too big a leap to take there.

14 MR. VANDER LINDEN: Sure.

15 CHAIRMAN CROSBY: Are you talking
16 about the bullet point in Appendix A?

17 COMMISSIONER CAMERON: So, I was
18 reading intensive and then I see that it really
19 is, you're almost insinuating that this person
20 has a problem. And when you look at the
21 definition of an intensive gambler, it just
22 means that they go at least on a weekly basis.

23 So, I just thought we were -- It
24 just appeared to me when I read that that we

1 were kind of making a leap there that I would
2 think to get back to the alcohol analogy if
3 someone drinks weekly, I don't think the
4 assumption would be that there's a problem per
5 se.

6 CHAIRMAN CROSBY: I get your point.
7 I just wasn't sure which language you thought
8 conveyed that.

9 COMMISSIONER CAMERON: I'm sorry. I
10 wasn't clear. It's under self-assessment tools
11 and it talks about -- It's on the Appendix A of
12 informed decision-making.

13 COMMISSIONER MCHUGH: Well, it's
14 down in content, Cautionary Information Help
15 Options.

16 COMMISSIONER CAMERON: Right,
17 correct. It just seemed to me that that was
18 making a leap. It's underneath intensive
19 gamblers. Do you see that?

20 CHAIRMAN CROSBY: Where it says
21 Cautionary Information Help Options in the
22 chart?

23 COMMISSIONER CAMERON: Yes. So, I'm
24 looking at both places. I'm looking at the

1 chart and then above where we talk about
2 intensive gamblers.

3 MR. VANDER LINDEN: The third bullet
4 point.

5 COMMISSIONER CAMERON: The third
6 bullet, yes.

7 CHAIRMAN CROSBY: The third bullet
8 point is exactly the same as on the strategy
9 itself, the language is exactly the same.

10 COMMISSIONER CAMERON: Well, if you
11 look at what an intensive gambler is, do you
12 know what I'm saying? It's kind of --

13 CHAIRMAN CROSBY: It's the same, the
14 definition of intensive gambler on the strategy
15 is exactly the same as the definition of
16 intensive gambler on Appendix A.

17 COMMISSIONER CAMERON: So, there are
18 two areas then in which -- I only caught it
19 here. -- that we are taking what an intensive
20 gambler is and really now saying that that
21 means there is a problem.

22 CHAIRMAN CROSBY: I don't actually
23 see it that way, but it's worth looking at it
24 carefully. Because you're not trying to make

1 that judgment, right? You're just trying to
2 say intensive gamblers, it is in their interest
3 to have certain tools available to them without
4 judging that an intensive gambler is ipso facto
5 in trouble.

6 MR. VANDER LINDEN: To me, I see it
7 as you go down the spectrum, the type of
8 information that's presented becomes more
9 personalized to that individual and their play.
10 And that once you reach the point of the
11 intensive gambler, you want to begin discussing
12 at least what are the options for help that
13 would be available.

14 You know, I think this goes back to
15 Commissioner McHugh's question about time and
16 defining.

17 COMMISSIONER CAMERON: It does. I
18 agree.

19 MR. VANDER LINDEN: And actually,
20 I'm beginning to see that problem in this
21 statement here where casual, frequent and
22 intensive have frequency connected to it. And
23 I think that that is problematic because I
24 think that it isn't a continuum of casual to

1 frequent to intensive in all cases.

2 I think that people's gambling
3 behavior tends to ebb and flow especially
4 frequent and intensive gamblers. And that
5 putting those types of time limits on it -- I
6 don't think you can deny time as a factor, but
7 I think that rigidly defining it in terms of
8 time is problematic as is done in the informed
9 decision-making framework, because that's what
10 you're drawn to. You suddenly start to
11 question is weekly too much or is it not? Is
12 it weekly every week? Or is it weekly if you
13 go gambling three days?

14 COMMISSIONER ZUNIGA: Not only that
15 the length of each session is not captured
16 here.

17 COMMISSIONER CAMERON: There may be
18 a way to say this. I think this information is
19 important, but I think there's a way to say it
20 without implying. When I read that I think
21 there's an implication that there's a
22 consequence to your action. We're addressing a
23 problem here. I just think there's probably a
24 way to say that that doesn't necessarily make

1 the connection of weekly gambler to a problem.

2 COMMISSIONER MCHUGH: But it's more
3 than how we phrase it here, isn't it? It does
4 get back to the same thing. There are a lot
5 people that go to the VFW for a couple of beers
6 every Saturday night to be with their friends
7 or go to a pub. And would we say that because
8 they do that they need some personalized
9 intervention? I'm not sure. I don't know.

10 But I don't know that we do here
11 either or whether there's a more sophisticated
12 calculus that needs to be created before we
13 start intervening with help options. This is
14 not my field of expertise. I don't know. Just
15 as one regulator, I wonder about that.

16 MR. VANDER LINDEN: Right. The
17 essence of informed decision-making is as
18 people's gambling becomes more intensive on
19 that spectrum, so should the information that
20 would be directed towards them. Whereas,
21 taking specifically casual gamblers, nonproblem
22 gamblers or even risky gamblers that the type
23 of information that you would make available to
24 them would be in a very, very generalized --

1 just increasing their awareness.

2 COMMISSIONER MCHUGH: I understand
3 the concept, Mark. I'm not quarreling with the
4 concept. I'm just quarreling -- I don't even
5 know if I'm quarreling. I'm asking about the
6 criteria for categorization.

7 Is the mere fact that a person
8 spends two hours, three hours at a gambling
9 facility every Saturday night a trigger for
10 more intensive, more personalized delivery of
11 help options? I guess that's the best way I
12 can put it. And use the analogy of the person
13 that goes to the VFW, the person that goes to
14 the pub, the person that goes out for a couple
15 of drinks with his or her buddies on Saturday
16 nights. That would not lead us to say you need
17 a more personalized intervention about going to
18 the movies instead of the pub.

19 MR. VANDER LINDEN: I would question
20 what are the adverse consequences that would
21 result from that behavior.

22 COMMISSIONER MCHUGH: From what?

23 MR. VANDER LINDEN: Whether you're
24 using the analogy of the VFW on a Saturday

1 night, if you're going to have a couple of
2 beers at the VFW on a Saturday night and you
3 have two or three and it crosses the line and
4 you're driving while intoxicated, the level of
5 feedback that perhaps those consequences is a
6 quite high. Versus --

7 COMMISSIONER CAMERON: We weren't
8 talking about driving though. And I think
9 there is a clear distinction.

10 COMMISSIONER ZUNIGA: I'm reminded
11 of a problem gambling conference session that I
12 attended. This woman from the Ontario Lottery
13 Corporation was talking about predictors of
14 problem gambling. And they had a series of
15 measures.

16 And one of them was changes in time,
17 not time by itself but changes in time,
18 frequency. If the person goes every Saturday
19 and they can manage and that's probably within
20 the realm of what they have been managing, but
21 if there's a change sudden or otherwise in that
22 behavior, it's only a predictor, it's not a
23 diagnosis, but it's the change that may be what
24 could be again a predictor of a behavior.

1 So, each Saturday by itself, looking
2 at it within that framework misses perhaps part
3 of the point. It's a continuum through time
4 that may be really a predictor.

5 The other one was anger, by the way.
6 People exhibiting anger at the floor, is also
7 one of the best predictors that somebody may be
8 experiencing something.

9 COMMISSIONER MCHUGH: That's a hard
10 one to get a handle on systemically because
11 that's episodic. But I take it by change you
12 mean either showing up more days than
13 Saturday --

14 COMMISSIONER ZUNIGA: Precisely.

15 COMMISSIONER MCHUGH: -- or staying
16 longer on Saturday or markedly increasing the
17 amount you're betting every Saturday.

18 COMMISSIONER ZUNIGA: Right, plus if
19 you're getting angry.

20 COMMISSIONER MCHUGH: I'm still
21 trying to think of ways to detract -- Yes, plus
22 if you're getting angry punching at the
23 machine. That's right. But I'm thinking of
24 ways that one might be able to track changes in

1 behavior on a systemic basis. You can, I take
2 it, tell if the person is showing up every
3 Saturday. You can also track how much they're
4 spending.

5 COMMISSIONER ZUNIGA: And frankly,
6 this goes back to a couple of the other
7 strategies or one of the big strategies which
8 is the education of the employees. This woman
9 also talked about employees cannot be in a
10 position of diagnosing. That usually
11 backfires. They're best equipped if they can
12 make a referral, let's say to a professional or
13 things like that.

14 Because it's really the trend is
15 easier detected by somebody who's there all of
16 the time, knows their customers, knows their
17 clients. Come back for the next shift and the
18 person is still there. Wait, I saw you here 24
19 hours ago. There's little systemic, I wonder,
20 implemented. And it's often perhaps more
21 effective with the education and outreach with
22 employees.

23 CHAIRMAN CROSBY: Mark, how would
24 this be operationalized? So, if we adopted

1 this model, would it be that anybody who was on
2 a player card system who gambled once a week or
3 more, we would direct the licensee to send to
4 all such people certain kind of information
5 through some delivery mechanism?

6 MR. VANDER LINDEN: I don't think I
7 would recommend that, no.

8 CHAIRMAN CROSBY: So, how would this
9 be operationalized?

10 MR. VANDER LINDEN: I think that if
11 you take a look below, an example of sort of
12 the more personalized information would be
13 either play management features or play
14 information features. That those would be
15 features that would be made available on a
16 voluntary basis to all players, but those types
17 of features provide the level of detailed
18 feedback to the patron, a higher intensity of
19 information, than for example a brochure that
20 would be available on the gaming floor.

21 CHAIRMAN CROSBY: I didn't get that.

22 (A) How do you identify intensive gamblers in
23 the real world operationally, how do you
24 identify them (A)? And (B) what is the

1 licensee obligated to do to them?

2 MR. VANDER LINDEN: Okay. So, to
3 me, the licensee would be obligated to make
4 information that would be available to all
5 patrons, a range of different types of
6 information would be available.

7 That type of information could be as
8 simple as the brochures, which are kind of a
9 standard course of practice right now, to more
10 intensive types of information and tools that
11 would provide a level of feedback and
12 engagement to the patrons. Those types of
13 tools are captured in 2.2, the play information
14 and management systems. Again, that would be
15 the ideal way.

16 I think another way would be to take
17 a look at what is the utilization of the
18 Responsible Gaming Information Center. The
19 Responsible Gaming Information Center would
20 have staff during peak hours. It could provide
21 more interactive type of information that you
22 could get from the Responsible Gaming
23 Information Center that perhaps you could get
24 it there, even if you're not engaged with the

1 play management information feature.

2 CHAIRMAN CROSBY: But those are
3 population-based system. Those are information
4 tools that would be available to everybody.
5 And you're kind of hoping that the more intense
6 gamblers is going to use the more intense
7 information.

8 But the arrow here says that when
9 you get to intensive, there's a personalized
10 delivery system. And I think this is different
11 from the play management. You're talking about
12 a separate issue, which is informed decision-
13 making. And what would be the personalized
14 delivery mechanism to intensive gamblers?

15 MR. VANDER LINDEN: So, I think play
16 management features are personalized.
17 Personalize meaning it gives you precise
18 feedback about your exact gambling behavior.
19 And probably with that then recommendations
20 that --

21 CHAIRMAN CROSBY: Okay. But the
22 play management system is an opt-in system.

23 MR. VANDER LINDEN: Correct.

24 CHAIRMAN CROSBY; We're talking

1 about a voluntary system. So, whether you're
2 an intensive gambler or not, it's not the
3 licensee's duty under a play management system
4 to identify intensive gamblers.

5 It's the individual's option to opt
6 in. So, that's not what I understood you to be
7 saying in strategy one. It says that if you're
8 an intensive gambler the licensee shall -- I
9 forget exactly what it says.

10 MR. VANDER LINDEN: The licensee
11 shall make available. And I would say that you
12 want to employ a lot of different strategies.
13 The type of feedback that you could receive
14 from the play management features, the play
15 information features, the brochures that you
16 would receive that would be available
17 throughout the casino as well as the
18 Responsible Gaming Information Center. I would
19 say that you want to make sure that there's
20 many points at which this type of information
21 is available that the patron could interact
22 with.

23 CHAIRMAN CROSBY: Okay. So, you're
24 not suggesting under 2.1 that the licensee

1 identify intensive gamblers and do something to
2 them? You're saying under 2.1, you're saying
3 that there ought to be a range of tools
4 available. They're available to everybody.
5 And some of them, you go down to 2.2, which is
6 if you opt in to a system, if you say to the
7 licensee I want to be told a variety of things
8 then that would happen.

9 But there is no affirmative duty
10 under 2.1 for the licensee to identify
11 intensive gamblers and to deliver anything to
12 them, as I understand what you're saying.

13 MR. VANDER LINDEN: That's correct.

14 COMMISSIONER CAMERON: Which is
15 where I was reading that. That's not clear
16 here as I read it.

17 COMMISSIONER MCHUGH: That's not at
18 all clear.

19 CHAIRMAN CROSBY: That's why I'm
20 pursuing it.

21 COMMISSIONER MCHUGH: That's a big
22 deal.

23 CHAIRMAN CROSBY: When you actually
24 turn this into an operational set of actions,

1 it becomes less onerous than it appears there.

2 COMMISSIONER ZUNIGA: This is the
3 one I was referring to earlier. Where it says
4 licensees have a responsibility, I think the
5 Commission has a responsibility here too. It's
6 really wordsmithing and you brought up the
7 larger issue, Mr. Chairman.

8 COMMISSIONER MCHUGH: I think that's
9 unclear. And I think that is really important.
10 And if that's how this is supposed to work then
11 I'm fully comfortable with it.

12 COMMISSIONER CAMERON: Me as well.

13 MR. VANDER LINDEN: You're even more
14 comfortable when it's information that's
15 available through multiple strategies to
16 patrons.

17 COMMISSIONER MCHUGH: Yes. I am
18 more comfortable with what I think is a loose
19 definition of intensive gambler calls for more
20 personalized information, if that comes in the
21 context of that voluntary play information and
22 management system that the patron is enrolled
23 in. I think that's a person who is -- I'm
24 perfectly comfortable with it then.

1 MR. VANDER LINDEN: Okay. We had
2 spoken about that yesterday as a possible area
3 where we would need to wordsmith. And it's
4 clearly coming out today.

5 COMMISSIONER CAMERON: Thank you.

6 COMMISSIONER MCHUGH: Thank you.
7 That's very helpful.

8 MR. VANDER LINDEN: Then that does
9 actually lead well into the section 2.2, play
10 information and management systems. This is
11 the issue that probably created the greatest, I
12 wouldn't say controversy, but --

13 CHAIRMAN CROSBY: You can say
14 controversy.

15 MR. VANDER LINDEN: Can I say
16 controversy?

17 CHAIRMAN CROSBY: Mr. DeSalvio is
18 smiling it's a controversy.

19 MR. VANDER LINDEN: Mr. DeSalvio can
20 speak to this, I'm sure. So, what we had
21 originally called pre-commitment, we are
22 calling play information and management
23 systems. So, the points that I would really
24 want to make this is that it is voluntary. If

1 a patron wants to with their player card enroll
2 in play information and management systems,
3 they are able to do so.

4 CHAIRMAN CROSBY: Could I just to
5 speak to this, Mark, because I think this was a
6 source of major misunderstanding. In Mark's
7 original draft, there was a proposal that
8 player cards be mandatory. That everybody have
9 to use player cards. He has subsequently
10 dropped that.

11 He also said there should be a
12 voluntary, at that point, he was referring to
13 voluntary pre-commitment plan. But the many
14 readers thought that the two fit together. (A)
15 Everybody has to use a player card. And
16 everybody has to participate in a pre-
17 commitment plan. That was not what was
18 proposed.

19 The pre-commitment now the player
20 management system has always been proposed as a
21 voluntary system. But some of the people came
22 loaded for bear at our last partnership meeting
23 to attack a mandatory system. And there was
24 never a mandatory system in mind.

1 It was confused because of the
2 player card system. As slowly people began to
3 understand what Mark was actually proposing, at
4 least some of the antipathy ebbed.

5 COMMISSIONER MCHUGH: So, what is
6 the objection to this now? Is it technological
7 cost?

8 COMMISSIONER ZUNIGA: Yes. There's
9 a feasibility and cost-effective argument here
10 relative to when it comes down to implementing
11 depending on whatever is going to be
12 implemented. Do you want to elaborate?

13 MR. VANDER LINDEN: Yes. As I first
14 understood the issue, it was an issue of
15 efficacy, how effective is pre-commitment tools
16 to help people manage their gambling behavior.
17 And another was technological, saying that it
18 wasn't feasible to implement these on the
19 gaming devices or questioning whether it was
20 possible.

21 So, I engaged in some pretty
22 extensive research to try to explore what types
23 of evidence does exist in this area as well as
24 speak with a number of different companies that

1 would provide this type of service of what is
2 the technological barriers and solutions to it.

3 In a nutshell, I think that in terms
4 of the efficacy, what is the evidence of
5 efficacy, I would say that generally it's
6 ambiguous and somewhat mixed overall. I would
7 say that in the last couple of years that as
8 technology has advanced, as acceptance of the
9 practice has advanced that the general movement
10 is towards that there is evidence of efficacy
11 of these types of tools.

12 That said, I think that if this is
13 chosen as something that we would like to
14 implement, that we would pay very close
15 attention to it because it has not been
16 implemented in the United States. And the
17 devil's in the details. How do we implement,
18 how do we promote it? And what is the
19 utilization? What is the uptake? All of these
20 things are incredibly important questions that
21 we would want to try to answer to decide
22 whether we ditch it, modify it or move it
23 forward.

24 I also want to point out that there

1 are questions about what is the cost of
2 implementing this? And that is a very
3 difficult question to answer. I think it's
4 ideal if you implement it upfront because
5 you're not replacing machines and you're
6 building it from the ground up and you're not
7 tossing anything else out.

8 But in terms of what is the actual
9 cost of this, I think there are many, many
10 variables, which is a great reason why it would
11 be excellent to explore this with one of our
12 operators and get very specific information
13 about that, about what are the cost barriers.
14 What are the solutions to any of the other
15 barriers that would be in the way.

16 CHAIRMAN CROSBY: To be clear, you
17 are not proposing at the moment that we adopt
18 this. This is still being studied by the
19 partnership. You are looking into both the
20 cost and such as they are the knowable
21 benefits.

22 MR. VANDER LINDEN: My
23 recommendation is that there is in my mind
24 ample evidence that would say that if we really

1 wanted to provide range of responsible gaming
2 tools that these should be on the menu.

3 I think that there is an extra layer
4 of due diligence to make sure and perhaps this
5 is through our relationships with our
6 operators, to really iron out some of the
7 details of that. I would really like to make
8 sure that this is done right and to make sure
9 that there aren't any fatal barriers that would
10 be standing in the way. And I think that
11 there's ways that we can accomplish that.

12 COMMISSIONER MCHUGH: Iron out the
13 details of the efficacy or the feasibility?

14 MR. VANDER LINDEN: All of it, first
15 the feasibility, ironing out the details of the
16 feasibility. If we iron out those details of
17 the feasibility, you move onto ironing out the
18 details of the efficacy once you implement
19 that. I would say that as the body of evidence
20 exists right now, there is enough evidence to
21 say that it's feasible and it's worth moving
22 forward with but that we want to pay close
23 attention to that.

24 COMMISSIONER CAMERON: Did you

1 mention it was being used in Australia?

2 MR. VANDER LINDEN: Correct.

3 COMMISSIONER CAMERON: And we're
4 talking specifically slot machines?

5 MR. VANDER LINDEN: Correct.

6 COMMISSIONER CAMERON: We should be
7 able to find out what it costs there to use,
8 right?

9 MR. VANDER LINDEN: Yes. I think
10 that it's a good starting point and it could
11 give you a general idea. But we're talking
12 about implementing it in the US. We're talking
13 about implementing it in a new gaming
14 establishment. And the number of machines, the
15 existing technology, what technology our
16 operators are wanting or intending to employ is
17 important.

18 I think that there are a number of
19 different variables that while we can get a
20 general sense perhaps of what the cost is from
21 other jurisdictions, I want to know what it is
22 here.

23 COMMISSIONER ZUNIGA: I had a
24 suggestion that we -- this is wordsmithing but

1 it gets to the heart of what we're talking
2 about, which is prior to where it says play
3 management tools, we insert in some form or
4 fashion effective or feasible. In recognition
5 that we may not want to be 100 percent
6 foolproof necessarily but we're not starting
7 with everything necessarily.

8 COMMISSIONER MCHUGH: That brings me
9 to a -- I mean that raises for me a thematic
10 question. This is designed to be an
11 overarching set of principles not regulations,
12 right? In other words, everything that's in
13 here, and we'll come back to that in some
14 specific instances later on, everything that's
15 in here is going to be effected through the
16 promulgation of regulations, right?

17 CHAIRMAN CROSBY: Not everything,
18 but much --

19 COMMISSIONER MCHUGH: Well, this
20 2.2. Let's stick with this. 2.2 the
21 philosophy would be self-executing. That's
22 what the document is about. But 2.2 would be
23 effected through promulgation of regulations.

24 MR. VANDER LINDEN: Correct.

1 COMMISSIONER MCHUGH: And it is in
2 the context of promulgating the regulations
3 that we'd have to have much more granular
4 detail as to what it is we are going to require
5 and what outcomes those requirements are going
6 to produce, right?

7 MR. VANDER LINDEN: Yes.

8 COMMISSIONER MCHUGH: And we
9 couldn't do that until we have done a
10 feasibility study in terms of what the machines
11 will be capable of doing and a cost study.
12 Then we'll get specific comments from people
13 during the regulation promulgation process that
14 will educate us, not only on the proposals that
15 we've made but the problems that those
16 proposals may create. So, we adopt this as a
17 philosophy. And then we look to the regulatory
18 mechanism to help us with the detail, right?

19 MR. VANDER LINDEN: That make sense
20 to me, yes.

21 COMMISSIONER MCHUGH: And is it in
22 that context that we could again return to the
23 idea of setting up efficacy studies and
24 thinking about, with the help of our able

1 researchers from wherever they come from, and
2 we've got a staple of very able researchers
3 including yourself, setting up some kind of an
4 efficacy study so that we don't just roll this
5 out as a general measure without studying its
6 efficacy. And in the process, perhaps bringing
7 some industry people who are now doubters
8 along.

9 MR. VANDER LINDEN: Okay. I like
10 that idea. That's great.

11 COMMISSIONER MCHUGH: Maybe not
12 bring them along but maybe.

13 CHAIRMAN CROSBY: That would be
14 consistent. We did say at the partnership that
15 this was still an open issue. That there was
16 going to be another meeting, Mark, where other
17 information was going to be brought back.

18 We were in an awkward situation
19 because John and Mark talked to machine
20 providers who said this is no problem. We can
21 do it easily. It's being done all around the
22 world. And made it sound -- The machine
23 providers made it sound as if the cost and the
24 efficacy -- and the technology was a nonissue.

1 The industry said we're not going to
2 rely on their word. They're just salesmen.
3 We're not going to put a whole bunch of new
4 stuff into our systems without having it really
5 be debugged.

6 So, we had two totally different
7 characterizations of the technology. And we
8 had no independent ability really to judge it.
9 So, we said we need to dig into that one a
10 little bit more.

11 On the efficacy side, I agree with
12 Mark's characterization that such evidence as
13 there is in a voluntary system suggests that
14 it's probably a pretty good idea for some
15 probably quite small percentage of the people.
16 So, we were also going to get whatever final
17 data we could get on what the take-up is in the
18 voluntary systems. So, eventually we would be
19 able to compare a true analysis of cost to a
20 relatively true analysis of efficacy. And then
21 be able to make an informed decision about how
22 it works.

23 Meanwhile, we're also talking about
24 -- As I said, MGM came up and offered the

1 possibility of talking about doing some kind of
2 a test or a model or a study. And we've also
3 approached Penn to talk about it as well.

4 But I think to be fair to the
5 industry, I don't think we're going to vote
6 today anyway. I think we've made that clear.
7 We told the industry this was still an open
8 question. And we would look into it a little
9 further before even you would come to your
10 final conclusion.

11 MR. VANDER LINDEN: Right.

12 COMMISSIONER MCHUGH: It sounds to
13 me like we're talking about the same thing.

14 CHAIRMAN CROSBY: Yes.

15 COMMISSIONER MCHUGH: I just really
16 would like to look at some data. And it seems
17 to me this is an area where we could actually
18 get data and have a good solid, as you say,
19 measure of cost and benefit.

20 MR. VANDER LINDEN: Right. Okay.
21 In terms of cost, yes, I want to see what the
22 possibilities are of establishing that cost.
23 What would be the cost in Massachusetts as
24 opposed to looking only in other jurisdictions.

1 Okay.

2 CHAIRMAN CROSBY: Right. We may
3 need to get some operators and some machine
4 makers in the same room so we can reconcile
5 their conflicting claims.

6 MR. VANDER LINDEN: Correct.

7 CHAIRMAN CROSBY: Okay.

8 MR. VANDER LINDEN: Okay. That was
9 the stickiest one.

10 COMMISSIONER MCHUGH: No, it's
11 really interesting. To the extent this soft
12 stuff can be data-driven with hard data, it's
13 really intriguing to figure out how to do it.

14 MR. VANDER LINDEN: I agree. This
15 piece specifically is fascinating. When you
16 start to scratch the surface of it, it seems to
17 make perfect sense to you, to me, to others.

18 I think that when you dig a little
19 bit deeper, you start to understand some of the
20 complexities of it and some of the barriers
21 that exist. But I think that in essence, the
22 level of research that's been done warrants
23 much further more serious investigation of what
24 is the feasibility.

1 In terms of responsible gaming
2 initiative, I don't think that we can just
3 easily take that off because of the barriers
4 that are known at this point.

5 COMMISSIONER MCHUGH: Right.

6 MR. VANDER LINDEN: Moving onto 2.3,
7 the Responsible Gaming Information Center.
8 This is one of the issues that has been kind of
9 out there for a longtime of how within the
10 statute it requires that there be space set
11 aside by the operators for I think mental-
12 health and counseling services.

13 What I am envisioning and what I'm
14 proposing would be that that space be a
15 Responsible Gaming Information Center. And
16 that that space certainly have the capacity to
17 deal with such sensitive issues as patrons in
18 distress and who are needing some type of brief
19 information and referral to help including
20 enrolling them in the self-exclusion program.

21 I think that there is a much greater
22 utility for this space as a Responsible Gaming
23 Information Center that would have a draw of a
24 much greater number of patrons coming in. And

1 as Penn has proposed in their blueprints and I
2 support, that you don't put it off in the
3 corner where you can ensure that type of
4 confidentiality. You put it up front and
5 center for patrons coming by. And within that
6 space you still -- you make a smaller space
7 available to manage the more confidential or
8 sensitive information.

9 I think that the Responsible Gaming
10 Information Center, if we look to a model that
11 has been implemented in British Columbia where
12 they offer a range of different tools to
13 promote responsible gaming and do it in a way
14 that is non-threatening, is inviting and
15 engages the customers with the confidence that
16 the person knows what they're talking about, I
17 think that this has such a fantastic potential
18 in Massachusetts.

19 COMMISSIONER CAMERON: Makes a lot
20 of sense.

21 MR. VANDER LINDEN: This is another
22 one of the issues that came back before the
23 Mass. Partnership for Responsible Gaming. I
24 think that we moved towards a general consensus

1 that this makes sense that this is something
2 that we can all wrap our heads around in a
3 plan.

4 Moving onto self-exclusion. So,
5 self-exclusion is actually a regulation that we
6 already have. I am also throwing into self-
7 exclusion the ability to opt-out of marketing
8 lists, the ability to be banned from receiving
9 house credit and/or check-cashing privileges as
10 well as the regulation that we have in place to
11 be banned from the property altogether. And
12 that would obviously then include they would
13 not receive marketing materials and obviously
14 not credit or check-cashing services.

15 COMMISSIONER CAMERON: I'm trying to
16 remember, Mark. How did we handle the racing
17 side? I know we talked about it. Did we
18 finalize that?

19 MR. VANDER LINDEN: Yes.

20 COMMISSIONER CAMERON: So, it's all
21 one facility. So, you would not be able to --

22 MR. VANDER LINDEN: You would not be
23 allowed to -- There's a designated area for the
24 racing facility. And it's within the gaming

1 area of a gaming establishment for the self-
2 exclusion. It's property wide.

3 COMMISSIONER CAMERON: Its property
4 wide.

5 MR. VANDER LINDEN: Yes. So, it's
6 within the gaming area of the gaming
7 establishment that they would be barred from.

8 And also recommended within this is
9 a slight twist that I just wanted to point out
10 that it's an engaged approach. That while
11 self-exclusion traditionally is a very
12 administrative task, the engaged approach would
13 take greater steps, additional steps to try to
14 refer somebody to get additional help. Not
15 mandatory but taking additional steps to try to
16 make that referral to try to get help.

17 CHAIRMAN CROSBY: Let me interrupt,
18 Mark, before you go to three. It's now 1:00.
19 We had hoped that we would be done by 1:00. We
20 were going to take an hour break, then come
21 back and do Region A at 2:00. Do you want to
22 plow ahead and get this done and then take our
23 -- You'd be all right with that?

24 COMMISSIONER CAMERON: We're at

1 least halfway through.

2 MR. VANDER LINDEN: Oh, yes.

3 CHAIRMAN CROSBY: Okay, go ahead.

4 We'll have a late lunch.

5 MR. VANDER LINDEN: Mr. Day pointed
6 out that in terms of the original feedback on
7 the self-exclusion from the original framework
8 and the process that we went through, there
9 seems to be general agreement that this is fine
10 to move forward.

11 Strategy three is providing
12 protections within the physical environment.
13 And within this I have seven different
14 recommendations for you. Some of these are
15 also kind of outlined within the statute.
16 Restricting access to gambling by underage
17 persons, monitoring the premises for unattended
18 children, disallowing tobacco use in gaming
19 establishments, several measures in order to
20 minimize alcohol abuse. Assisting customers in
21 need or attending to customers in need,
22 encouraging breaks in play and finally we put
23 into here the third-party exclusions.

24 COMMISSIONER STEBBINS: Mark, I had

1 couple of questions on these strategies. Only
2 because with all of the touring we've done with
3 respect to strategy, number one, we've seen
4 different levels of how licensees in other
5 jurisdictions go about number one.

6 They have almost a cattle shoot
7 where you have got to go by somebody in
8 security to as I saw recently, you just kind of
9 walk onto the gaming floor and hopefully
10 somebody comes around in a jacket and catches
11 you, so to speak. Both methods of operation
12 we've seen. Is there a preference from your
13 standpoint? And what works better?

14 MR. VANDER LINDEN: I would say that
15 I don't have enough information about how
16 people would be entering the gaming area in
17 order to say what would be best. I think that
18 a lot of it depends on the actual design of the
19 facility.

20 And I want to allow the flexibility
21 that there may be a lot of different designs of
22 the facilities. Given that that there should
23 be solid policies and procedures in place.
24 That if it isn't people coming in through the

1 central areas and being monitored that way that
2 there are other options as you mentioned.

3 COMMISSIONER STEBBINS: Okay. 3.3,
4 why include it? They're not allowed to smoke
5 inside the facilities at all anyways. I just
6 don't know whether we can take that out or not.

7 MR. VANDER LINDEN: Yes. We
8 certainly could. It's a restriction within the
9 physical environment. And it seemed to fit
10 well within efforts that we've undertaken or
11 the statute is requiring us to do. So, I put
12 it in there for that reason.

13 CHAIRMAN CROSBY: There's a bunch of
14 other statutory requirements that are in here.

15 COMMISSIONER STEBBINS: 3.4 as we've
16 gone around and had host community hearings,
17 surrounding community hearings, residents are
18 typically concerned about the level of alcohol
19 service. And that translating into somebody
20 getting on the road.

21 But I didn't know if this could be a
22 place to kind of strengthen the level of
23 credibility that we know our licensees will
24 have around appropriate and restricted service

1 of alcohol that we could reference a program
2 that's widely accepted. Something like a Serve
3 Safe Alcohol.

4 Instead of saying there will be
5 training, it certainly puts our licensees at
6 somewhat of a risk. But if we could reference
7 -- I'm not an expert on this, but reference a
8 program that everybody seems to adopt as having
9 the best credentials or the best standards for
10 that type of training might give some
11 assurances that we are protecting people from
12 being over served.

13 MR. VANDER LINDEN: Just so I'm
14 clear, it would be to identify a specific
15 training that would be adopted as opposed to
16 just identifying training generally within
17 there?

18 COMMISSIONER STEBBINS: Right.

19 CHAIRMAN CROSBY: Are you saying
20 requiring a specific or at least set a standard
21 saying such as Serve Safe?

22 COMMISSIONER STEBBINS: This
23 probably more in Commissioner Cameron's
24 bailiwick, but setting a standard for the

1 training as opposed to yes we'll train our
2 employees to make sure that people aren't being
3 over served. Matching it up with either the
4 standards or identifying a program
5 specifically, I don't know.

6 COMMISSIONER ZUNIGA: Isn't that
7 more of a tactic rather than a strategy?
8 That's just one example for example, right, of
9 something that could be done?

10 CHAIRMAN CROSBY: He's just trying
11 to modify training to make it more clear we're
12 talking high-quality and proven effective.

13 MR. VANDER LINDEN: It could also be
14 as we did under training and corporate social
15 responsibility where we state that MGC
16 identified or approved training that would
17 allow us to do more investigation of that
18 issue.

19 CHAIRMAN CROSBY: Others?

20 COMMISSIONER MCHUGH: I had question
21 about why we're prohibiting all alcohol between
22 2:00 and 8:00?

23 MR. VANDER LINDEN: That's within
24 the statute.

1 COMMISSIONER MCHUGH: Oh, it is?
2 That's a good reason. Then finally in 3.6,
3 this is probably really just wordsmithing,
4 licensee shall implement practices to ensure
5 that all customers are discouraged from
6 participating. I'm not sure you can ensure
7 that anybody is discouraged from anything but
8 you can discourage people. Practice to
9 discourage patrons from.

10 MR. VANDER LINDEN: Okay.

11 CHAIRMAN CROSBY: How do you do
12 this? I didn't understand this one exactly.
13 What does this mean?

14 MR. VANDER LINDEN: To me it means
15 that you offer, you have other options besides
16 gaming or gambling. That there's hospitality.
17 There's restaurants. There's other non-gaming
18 options for people to engage in.

19 CHAIRMAN CROSBY: That's going to
20 happen. That's a given. There's going to be
21 all of those other things. This says the
22 licensees shall implement practices. What is a
23 practice that would do this?

24 MR. VANDER LINDEN: I think that

1 again it's probably a wordsmithing. It should
2 be offer non-gaming amenities that would give
3 other options besides --

4 COMMISSIONER MCHUGH: It seems to me
5 that Penn National gaming floor that we just
6 looked at has a lot of those things on it.

7 MR. VANDER LINDEN: And I think
8 that's great.

9 COMMISSIONER ZUNIGA: This is also
10 an operational thing. If an amenity is to have
11 food available but they close all restaurants
12 between 11:00 and 6:00 let's say, then during
13 that period of time there's not that
14 availability. So, there's an operational
15 question too.

16 COMMISSIONER MCHUGH: Yes, right.

17 MR. VANDER LINDEN: True.

18 CHAIRMAN CROSBY: I think the
19 wording -- It's more than wordsmithing at
20 least. I mean really I thought this was an
21 affirmative duty on the part of the licensees
22 to deliver something. And that sounds like not
23 the case.

24 MR. VANDER LINDEN: Okay. I can

1 change that.

2 CHAIRMAN CROSBY: And then in the
3 third-party exclusions, what we're saying here
4 is as a matter of public policy, we believe
5 that there should be some kind of third-party
6 exclusion plan, details to follow.

7 MR. VANDER LINDEN: Correct. Third-
8 party exclusion is also outlined in statute.
9 The details of what that looks like and who is
10 responsible for overseeing that is I think we
11 need to determine.

12 CHAIRMAN CROSBY: Right. Okay.

13 MR. VANDER LINDEN: Number four,
14 ensuring responsible marketing.

15 COMMISSIONER MCHUGH: I had a
16 question. I had two questions on the same
17 theme. First sentence, licensees are to
18 develop and implement strategies to ensure
19 advertising and promotions are delivered in a
20 responsible manner to ensure contemporary
21 standards are reflected (A).

22 And then down in 4.1, second bullet,
23 reflect generally accepted contemporary
24 standards of good taste. What do those two

1 mean?

2 First of all, are there any
3 contemporary standards of good taste? And
4 secondly, how do you know it? Is it one of
5 those things you know when you see it? And
6 then what are the kind of contemporary
7 standards we're talking about in the first
8 phrase of the first paragraph? The bottom line
9 is it just strikes me that those are way too
10 vague to be enforceable.

11 MR. VANDER LINDEN: Okay.

12 COMMISSIONER MCHUGH: Or to provide
13 acceptable guidance to the licensee or anybody
14 else.

15 CHAIRMAN CROSBY: The advertising
16 industry maybe has some kind of accepted
17 standards. If you put in something like that
18 that gives people some clarity, that's one
19 thing.

20 COMMISSIONER MCHUGH: Somebody
21 didn't like what we just said.

22 COMMISSIONER ZUNIGA: Or did so in
23 bad taste.

24 CHAIRMAN CROSBY: I agree with the

1 point. Unless there is an actual standard,
2 like an advertising standard industry standard
3 or something, I agree that it's not helpful.

4 MR. VANDER LINDEN: So, the
5 rationale behind this is we basically adopted
6 the American Gaming Association's code of
7 conduct and the guidance they provided for
8 advertising and marketing. And I felt that
9 generally what they did was solid. And they
10 covered the main points.

11 I concur that that specific piece of
12 it is relatively vague.

13 COMMISSIONER CAMERON: This comes
14 from there?

15 MR. VANDER LINDEN: Correct.

16 COMMISSIONER CAMERON: So, that
17 five-line sentence is theirs?

18 MR. VANDER LINDEN: Yes.

19 COMMISSIONER MCHUGH: It sounds
20 great but it doesn't mean anything.

21 CHAIRMAN CROSBY: The first sentence
22 in the paragraph comes from them?

23 COMMISSIONER CAMERON: No, the five-
24 line sentence.

1 CHAIRMAN CROSBY: The five-line
2 sentence, which one is that?

3 COMMISSIONER CAMERON: Right at the
4 beginning.

5 CHAIRMAN CROSBY: That's what I was
6 asking. That comes from AGA?

7 MR. VANDER LINDEN: No, not the
8 beginning but the standards that are outlined
9 below in 4.1 and 4.2.

10 COMMISSIONER CAMERON: Oh, okay.

11 CHAIRMAN CROSBY: Mark, I had a
12 question. Excuse me. Were there others?
13 Commissioner Stebbins, were you about to say
14 something?

15 COMMISSIONER STEBBINS: I have a
16 question a little further down in 4.2, which
17 also sounds a little bit fuzzy or tough to
18 enforce. Be placed before any audience where
19 most of the audience is ordinarily expected to
20 be below the legal age to participate in
21 gambling activity.

22 I mean if I'm doing television
23 advertisement, I'm assuming I've got to my ads
24 at night because most of the kids will be in

1 bed? I'm not sure what that --

2 MR. VANDER LINDEN: The way that I
3 would interpret this is, for example,
4 advertising at college sporting events. That
5 it would be discouraged to place advertising in
6 those venues.

7 COMMISSIONER STEBBINS: Somewhere
8 where you have a better idea of what the
9 audiences is.

10 MR. VANDER LINDEN: I would even say
11 within television that you have target
12 audiences. You know who's watching what
13 programs and what the general demographic is.
14 And that you would pay attention to where those
15 media ads are placed.

16 COMMISSIONER STEBBINS: Okay.

17 CHAIRMAN CROSBY: Other questions?
18 I had one, Mark. Advertising efforts do not
19 target vulnerable groups such as minorities,
20 the elderly and the poor. Poor maybe is
21 something to think about, but I don't think we
22 want to say you can't advertise to minorities
23 or you can't advertise to the elderly.

24 MR. VANDER LINDEN: Right. I think

1 that that needs either revised or removed as we
2 talked about.

3 COMMISSIONER CAMERON: And I think
4 vulnerable groups probably says enough.

5 MR. VANDER LINDEN: I think so too.

6 COMMISSIONER MCHUGH: And I had a
7 similar concern about the first part of the
8 first bullet under 4.2, marketing will not
9 contain images of celebrity entertainers. It's
10 a hard sentence to parse.

11 MR. VANDER LINDEN: It would not
12 contain images that would appeal specifically
13 to children or minors. Or celebrity or
14 entertainer endorsements again to appeal
15 specifically to children or minors.

16 COMMISSIONER MCHUGH: Again, there's
17 an and/or there. If it's all designed to keep
18 stuff away from children then that sentence
19 ought to be clarified.

20 MR. VANDER LINDEN: Okay.

21 CHAIRMAN CROSBY: I don't know
22 what's unclear about that but if you do, Mark,
23 that's fine.

24 COMMISSIONER MCHUGH: Well, I do.

1 CHAIRMAN CROSBY: I know. What's
2 unclear about it?

3 COMMISSIONER MCHUGH: I thought that
4 the images of any entertainer endorsements, it
5 shouldn't contain those.

6 COMMISSIONER CAMERON: I read it
7 that way as well.

8 CHAIRMAN CROSBY: Any, all right.
9 Fine.

10 COMMISSIONER MCHUGH: Any
11 advertisement should, I didn't get the
12 restriction simply to children.

13 CHAIRMAN CROSBY: Okay.

14 COMMISSIONER STEBBINS: From a
15 practical standpoint with respect to that
16 bullet, we're talking about our licensees
17 having facilities that are accessible by
18 families, an oyster bar or what have you. How
19 do you begin to boil that down to their
20 advertising? They can't advertise a restaurant
21 where --

22 COMMISSIONER ZUNIGA: No. It's
23 casino gambling specifically that's restricted
24 not the facility, for example.

1 MR. VANDER LINDEN: Correct.

2 COMMISSIONER ZUNIGA: You could
3 advertise a whole facility to everybody but the
4 gambling activity --

5 COMMISSIONER STEBBINS: Okay.

6 MR. VANDER LINDEN: It's casino
7 gambling advertising. And in fact, it's a
8 change from the first version where I did not
9 provide that type of specificity and we added
10 that in there.

11 COMMISSIONER STEBBINS: Thanks.

12 COMMISSIONER MCHUGH: Let me raise
13 one other point about this because this gets
14 back to the question I asked earlier about the
15 notion that this does not become effective
16 until regulations are promulgated. It's a
17 philosophy. It's our guiding set of principles
18 and the like. 4.2 and 4.1 look like
19 regulations. They're much more specific than
20 things that we have done elsewhere. They're
21 not statements of philosophy. There's
22 particular requirements and prohibitions.

23 So, my question is and I return to
24 that question is all of this to become

1 effective as mandatory as opposed to
2 philosophical only when we pass regulations in
3 body?

4 MR. VANDER LINDEN: The way I
5 interpret this is that it serves two points.
6 One is it guides the development of regulation.
7 Where necessary, we would promulgate regulation
8 that come from this. But where we don't, it
9 would also guide their general practice, policy
10 and practices in regards to responsible gaming.

11 COMMISSIONER MCHUGH: Okay. So, I
12 have a problem -- I have a question and a
13 concern, I guess -- I never have any problems.
14 -- with having that second understanding lead
15 to some kind of action against a licensee for
16 failing to comply with one of these bullets
17 when the content hasn't gone through the
18 regulation promulgation process. I think we
19 are on very shaky ground in attempting to do
20 that.

21 And there are a number of things
22 throughout this set of practices that have the
23 appearance of specific commands and
24 prohibitions. So, that's why I asked what the

1 intent was, because I think we are in a
2 difficult position if we don't go through that
3 process.

4 It's just something to think about,
5 something to consult with Counsel about and
6 make sure we've dotted our I's and crossed our
7 T's as we go forward.

8 CHAIRMAN CROSBY: Director Day?

9 MR. DAY: Chairman Crosby and
10 Commissioner McHugh, I think from my
11 perspective and as Mark was talking, is as you
12 talked about the concept that we seem to share
13 of a great deal of this is that there is
14 philosophy statements that will help guide the
15 development of regulations that then will
16 incorporate whatever process we need to make
17 sure they're fully informed. So, I think that
18 is one the main ideas behind these standards.

19 But I think when Mark, at least in
20 my impression when he talks about the other
21 points are for guidance, to me I kind of see
22 that once the Commission adopts this document
23 as a guiding principle, then the ones that will
24 move forward in regulation also serves as a

1 guidance of -- best practice may be a little
2 awkward, but good practice in responsible
3 gaming but not anything that the Commission can
4 take any kind of enforcement, formal
5 enforcement action.

6 It would be merely something that
7 advises licensees that these are good ideas but
8 not intended, would not be used for
9 enforcement.

10 COMMISSIONER MCHUGH: I fully agree
11 with that approach. And I think in both
12 respects it's useful just so we understand what
13 we are doing here, and our licensees understand
14 what we are doing here.

15 CHAIRMAN CROSBY: Okay. Anything
16 else on four? Number five.

17 MR. VANDER LINDEN: Strategy five,
18 limit high-risk financial transactions. That
19 includes house credit, bank card transactions
20 and check cashing.

21 CHAIRMAN CROSBY: The house credit
22 one has changed quite a bit.

23 MR. VANDER LINDEN: Actually, that
24 is worth highlighting. The original

1 recommendations for house credit were quite
2 different. And it received a lot of feedback
3 from different stakeholders.

4 We took that issue specifically.
5 First, it was the first issue that we discussed
6 at the Mass. Partnership on Responsible Gaming.
7 I think it was very good to understand what is
8 the utility of house credit for gambling
9 purposes. But it was also important then to
10 have a discussion with that group about what
11 types of safeguards can we put into a
12 regulation if we revise this.

13 COMMISSIONER MCHUGH: What kind of
14 what?

15 MR. VANDER LINDEN: Not regulations,
16 what type of conditions or measures can be put
17 into place that would provide protections for
18 vulnerable populations. And I think that I
19 would say that this was a very good example of
20 where we were able to land that seemed to
21 satisfy the stakeholders as well as it seems to
22 meet the needs of Responsible Gaming Framework.

23 COMMISSIONER MCHUGH: This is much
24 different than the original one and I

1 understand the differences. What is the
2 increasing, the second bullet from the bottom,
3 increases in credit will be restricted by
4 frequency and amount. What is that? The more
5 you ask for, the more frequently you ask for an
6 increase in the limit the more scrutiny you'll
7 get?

8 MR. VANDER LINDEN: It would be
9 restricted. The background would be to stop
10 people from chasing losses. What do you do to
11 stop people from chasing losses?

12 So, the utility of increase in
13 credit will be restricted by frequency and
14 amount would be that you can't keep going back
15 and asking for more and more credit in a very
16 short duration of time. We would limit the
17 frequency by which you could do that as well as
18 the amount probably being a percentage of the
19 total credit received initially.

20 COMMISSIONER MCHUGH: Okay. I got
21 it.

22 CHAIRMAN CROSBY: To me, this one
23 has the same problem that some of the other
24 ones did, which there may be people who are

1 perfectly -- there's nothing wrong at all with
2 them going back and getting more and more
3 credit frequently. They've got the money and
4 they want to keep gambling. That's their
5 business.

6 In other places, you've limited to
7 qualified people. You've made the distinction
8 between people for whom high-risk financial
9 transactions are entirely appropriate versus
10 those for whom it's not or may not be. But
11 this one doesn't make that distinction. So, I
12 don't know whether except for qualified people
13 or something. I don't know.

14 COMMISSIONER MCHUGH: But even for
15 qualified people, wouldn't the loss chasing
16 problem merit something along those lines? You
17 go in. You get \$1 million worth of credit and
18 you can afford it. You checked out. And you
19 come back at the end of the day and you want to
20 increase your credit limit to \$2 million. And
21 you're worth \$2 million. I mean you can afford
22 \$2 million. Is that a sign that you're chasing
23 losses in a way that should be discouraged? I
24 don't know the answer to that question.

1 COMMISSIONER ZUNIGA: It boils down
2 to what is that frequency. If you're seeking
3 credit extensions, multiple credit extensions
4 in one day that's clearly a warning sign. But
5 if your credit extension requests is over a
6 much larger period of time, it's a very
7 different situation.

8 COMMISSIONER MCHUGH: That may be
9 where the regulations have to be fine-tuned for
10 this process.

11 MR. VANDER LINDEN: Right. And I
12 felt like that was an issue that needed to be
13 fine-tuned and worked out through the
14 regulatory process. But that in concept it's
15 an important measure to have in place.

16 CHAIRMAN CROSBY: This doesn't seem
17 to bother anybody else. The word limit high-
18 risk financial transactions, I think you and I
19 might have talked about this. It's more like
20 manage or control or something.

21 COMMISSIONER ZUNIGA: Minimize.

22 CHAIRMAN CROSBY: It's not quite.
23 It's not that we don't like high-risk financial
24 transactions. We just don't like high-risk

1 financial transactions for people who shouldn't
2 be having them. I don't know. If that doesn't
3 bother anybody else, forget about it.

4 MR. VANDER LINDEN: It was a term
5 that was a struggle, I have to say. Manage
6 high-risk financial transactions would be
7 another one. But it's what could we say that
8 would capture, kind of capture the essence of
9 the measures or the strategies that are being
10 recommended.

11 CHAIRMAN CROSBY: That's what I came
12 up with, manage or control. I think the way
13 you've revised it is good. I'm very
14 comfortable with what we're actually proposing
15 be done. Whatever, it's up to you. Number
16 six.

17 MR. VANDER LINDEN: Engaging the
18 community. There are a number of different
19 steps. I have to say, I think, that there are
20 a number of different steps that I'm
21 recommending that the operators take in order
22 to engage with the community.

23 And Commissioner McHugh, I think
24 that this may be a good example of where these

1 are solid recommendations for responsible
2 gaming practices that encourages an
3 interaction, an engagement with the community
4 but that it would be difficult, very difficult
5 to move many of these into regulation.

6 These I've consulted with Mass.
7 Council on Compulsive Gambling to get their
8 feedback as well.

9 CHAIRMAN CROSBY: Commissioner
10 McHugh, are you saying that we should put some
11 under regs. but not all? Or do we put these
12 under regs. too? Or we're just making clear
13 that we can't take punitive action against
14 anybody for anything unless it's in regs.? Is
15 that the way to put it?

16 COMMISSIONER MCHUGH: Yes.

17 CHAIRMAN CROSBY: So, we wouldn't
18 necessarily try to put these into regs.,
19 because they really don't fit into regs.

20 COMMISSIONER MCHUGH: Right. They
21 don't fit in regs. Just so everybody is clear
22 that this is a statement of policy and
23 expectation. It's not a set of regulatory
24 rules that you'll be penalized for failing to

1 follow.

2 COMMISSIONER CAMERON: You can't
3 violate a strategy.

4 COMMISSIONER MCHUGH: Right. You
5 can't be penalized for violating a strategy.

6 COMMISSIONER CAMERON: Correct,
7 correct.

8 COMMISSIONER STEBBINS: Mark, in
9 this section you reference two stakeholders.
10 You have responsible gaming stakeholders. I
11 assume I know who those folks are. But you
12 have just a broad definition of stakeholders.
13 Who do you envision being in that kind of broad
14 group of stakeholders, 6.4?

15 MR. VANDER LINDEN: 6.4, provide
16 opportunities for stakeholders to voice
17 relevant concerns and questions. Licensees
18 shall integrate the results of stakeholder
19 engagement into their strategic decision-
20 making.

21 I think it is very broadly defined
22 of who the stakeholders would be. And it
23 should be very broad. I would say that it may
24 be on the business side, what are the competing

1 businesses within the community that are
2 stakeholders that have concerns or ways in
3 which they would propose to partner.

4 It could be human service agencies
5 that have want to voice particular concern or
6 suggestion with the operators.

7 COMMISSIONER STEBBINS: Okay.

8 MR. VANDER LINDEN: I think that to
9 me it's more than - engagement is important.
10 That sort of tactile engagement that you would
11 have with the community beyond revenues that
12 extend into the communities.

13 COMMISSIONER MCHUGH: Coming back to
14 this you can't punish people, you can't take
15 action against people, but you certainly can
16 require periodic reports to the Commission on
17 how things are going with respect to the
18 components of this framework that are not
19 embodied in regulations. And invite a licensee
20 to come and talk to the Commission in a public
21 session if there were questions about the
22 content of the report.

23 That being the case, things like 6.4
24 ought to give some guidance as to, and this

1 goes back to the other ones that we talked
2 about that seem to be vague, some guidance as
3 to what we're after here so that the licensees
4 would have fair notice as to what we were
5 expecting to come out of this.

6 So, in that vein I would join the
7 question about that and encourage an effort to
8 see whether that one could be made more clear.

9 MR. VANDER LINDEN: Okay. Can I
10 provide an example of this from my experience
11 in working in the State of Iowa of a good
12 example? And I think it's relevant because the
13 general manager from the casino in Sioux City,
14 Iowa is actually now the general manager at the
15 Penn facility, Lance George, engaging with the
16 community.

17 And finding different opportunities,
18 not just the treatment providers, problem
19 gambling treatment providers within that
20 community but other ways as well.

21 That I think being good corporate
22 citizens, being good citizens and engaged with
23 the community is key. That part of their role
24 is to be a part of the communities in which

1 they function. And that extends far beyond the
2 gaming services that they are providing.

3 And I think Lance George and the
4 work that he did in the Iowa facility is a good
5 example. I think that by and large we have
6 applicants that talk about community
7 engagement. And I would really like to see
8 that come to fruition.

9 COMMISSIONER MCHUGH: I don't
10 disagree -- I strongly support the idea. Maybe
11 it's the word stakeholders. Maybe stakeholders
12 is what's throwing me off here, because I don't
13 understand necessarily who they are.

14 Maybe there's a term that's more
15 self-identifying. Or it's just use members of
16 the community to show that we are looking for
17 creative outreach.

18 MR. VANDER LINDEN: I would suggest
19 that I can take that back to the Mass. Council
20 as well as to DPH and consult with them further
21 about alternative ways to phrase that.

22 CHAIRMAN CROSBY: Did the Sioux City
23 facility, was there a written thing? Was there
24 anything that said here's our community

1 relations strategy?

2 MR. VANDER LINDEN: Lance could
3 probably speak better to this but I think that
4 it varied. My experience is that it varied
5 from facility to facility. And it was based in
6 large part on the leadership at those gaming
7 establishments in terms of how engaged they
8 were.

9 And I heard examples of fantastic
10 engagement as such. I've also heard examples
11 of relative isolation and disengagement. And I
12 think that we have a great opportunity to
13 really foster that upfront.

14 COMMISSIONER MCHUGH: Right. And
15 the broader the engagement the better.

16 MR. VANDER LINDEN: Yes.

17 CHAIRMAN CROSBY: I agree with you.
18 It's going to be like going through the steps
19 on diversity. Great leadership is going to
20 insist on doing the stuff. It's not rocket
21 science. You know how to engage a community.
22 It's easy. But you don't do it if you don't
23 have leadership at the top to make it happen.
24 Anything else strategy six?

1 COMMISSIONER STEBBINS: I just had
2 one other quick question, not meaning to
3 prolong our conversations beyond. It's been
4 pointed out these are great frameworks to drive
5 the regulatory process, the regulatory process
6 where the rubber meets the road. Licensee, it
7 will probably include penalties for catching
8 somebody underage on the floor.

9 At what point, let's say somebody is
10 consistently getting pinged for underage person
11 on the floor. At one point do you see yourself
12 or you see yourself being helpful and
13 constructive to going back to that applicant or
14 licensee and saying you've gotten dinged 12
15 times in the last 12 months. How can we work
16 together to look at your strategies and try to
17 take some corrective action as opposed to just
18 having them get dinged with a fine every time
19 it happens?

20 MR. VANDER LINDEN: I really look
21 forward to getting to the point where we're at
22 that point of our regulatory process where we
23 can provide guidance to our operators. Provide
24 technical assistance and beginning to identify

1 what are other operations doing that is
2 effective. And trying to tailor those
3 regulations and uniformly using them in other
4 operations.

5 CHAIRMAN CROSBY: Anything on
6 appendices? We talked about Appendix A quite a
7 bit.

8 MR. VANDER LINDEN: Appendix B,
9 unless there's something on Appendix A,
10 Appendix B is really intended to provide
11 direction to where responsible gaming materials
12 are displayed and provided.

13 CHAIRMAN CROSBY: Or Appendix C?

14 COMMISSIONER ZUNIGA: I did have a
15 question on Appendix C. I think we talked
16 about this prior to this, Mark, but the second
17 bullet is perhaps what Commissioner Stebbins
18 was also talking about. Do we mean here
19 gambling activities as opposed to casino
20 advertising?

21 MR. VANDER LINDEN: Yes, I think
22 that we need to clarify that.

23 CHAIRMAN CROSBY: I mentioned to you
24 before the one about 25 years or older. That

1 seems so arbitrary to me. You want people who
2 are of age.

3 MR. VANDER LINDEN: You could
4 actually strike that last sentence, but the
5 first sentence would be more general and hold
6 the truth or the spirit of what we're trying to
7 accomplish.

8 CHAIRMAN CROSBY: Right. I agree
9 with that.

10 CHAIRMAN CROSBY: Okay. Anything
11 else on the Problem Gambling Framework? Nice.

12 COMMISSIONER CAMERON: A lot of
13 work, Mark. Thank you.

14 COMMISSIONER MCHUGH: Very good.
15 Thank you.

16 CHAIRMAN CROSBY: You have one other
17 quick item and then we will go to lunch.

18 MR. VANDER LINDEN: Right. The
19 other item is the contract we hold with Problem
20 Gambling Solutions. I am recommending or
21 proposing to the Commission that we approve an
22 increase to that contract.

23 It currently stands at \$22,000. I
24 have placed into the budget for my division an

1 increase in that from \$22,000 to \$55,000,
2 keeping the scope and the term of the contract
3 the same. And the rationale for that --
4 Actually, if I could back up. The scope of the
5 contract actually has remained unchanged, but
6 the task at-hand is quite extensive.

7 And I think that if I had understood
8 exactly how extensive this project would be up
9 front, it never would have been initiated at a
10 level of \$10,000. I would have scoped it out
11 slightly different to understand what the
12 intensity or the level of effort that would be
13 required. But that is hindsight.

14 Given this project, the importance
15 of it, the time intensity to even just get to
16 this point has required a lot of assistance
17 from Dr. Jeff Marotta and Problem Gambling
18 Solutions. So, to continue that work and to
19 bring this to a document that I hope that we
20 can vote on at some point to your satisfaction,
21 I would like to increase the contract for Dr.
22 Marotta and Problem Gambling Solutions.

23 COMMISSIONER MCHUGH: Is that amount
24 designed to take you all of the way to the end?

1 MR. VANDER LINDEN: Correct, yes,

2 CHAIRMAN CROSBY: Do we need to
3 vote? I guess we do.

4 COMMISSIONER ZUNIGA: I can make a
5 motion. I move that this Commission authorize
6 staff to increase the contract with Problem
7 Gambling Solutions to the amount stated in the
8 packet of \$55,000.

9 CHAIRMAN CROSBY: Second?

10 COMMISSIONER STEBBINS: Second.

11 CHAIRMAN CROSBY: Any other
12 discussion? All in favor, aye.

13 COMMISSIONER MCHUGH: Aye.

14 COMMISSIONER CAMERON: Aye.

15 COMMISSIONER ZUNIGA: Aye.

16 COMMISSIONER STEBBINS: Aye.

17 CHAIRMAN CROSBY: Opposed? The ayes
18 have it unanimously.

19 We will adjourn. Commissioner
20 McHugh, what time do you want to reconvene?

21 COMMISSIONER MCHUGH: Thirty
22 minutes, there's lunch there. Somebody made a
23 run to the store. So, 2:15.

24 CHAIRMAN CROSBY: We are adjourned

1 until 2:15.

2

3 (A recess was taken)

4

5 COMMISSIONER MCHUGH: I'm going to
6 recall to order public meeting number 131 of
7 the Massachusetts Gaming Commission. And we
8 have one item left on the agenda and that is
9 Region A. The first item on that general topic
10 is the extension of transportation plans
11 comment period. Mr. Ziemba, the first two at
12 least are yours.

13 MR. ZIEMBA: Good afternoon,
14 Commissioners. So, as you know we recently had
15 a comments deadline of August 1 regarding the
16 transportation plans that were delivered to us
17 on June 20, I believe. We did not receive a
18 significant number of comments for that comment
19 period.

20 There's been some interest in asking
21 us to extend that comment period. So, I'd
22 recommend that we extend it by at least a week,
23 if not perhaps until the week of the 12th of
24 August, the 19th of August. That would give

1 folks some additional time to provide comments
2 to us. But it would get comments to us
3 hopefully in time as we are completing our
4 reviews for our activity and anticipated
5 decision week.

6 COMMISSIONER MCHUGH: So, these are
7 the transportation plans that the applicants
8 presented to us on June 20.

9 MR. ZIEMBA: Yes.

10 COMMISSIONER MCHUGH: And they're
11 posted on our website.

12 MR. ZIEMBA: That's correct.

13 COMMISSIONER MCHUGH: I was just
14 taking this out to look at a calendar. Would
15 two weeks from tomorrow be too late do you
16 think to extend that comment period?

17 MR. ZIEMBA: That would be fine.

18 COMMISSIONER MCHUGH: Two weeks from
19 tomorrow would be the 21st.

20 COMMISSIONER STEBBINS: 22nd.

21 COMMISSIONER ZUNIGA: We have
22 meetings scheduled for the 21st.

23 COMMISSIONER MCHUGH: Yes. But in
24 terms of trying to incorporate those comments

1 into our evaluations and the like that we
2 present at the meetings -- the hearings that
3 will begin on September 8. Thoughts about
4 that?

5 COMMISSIONER ZUNIGA: I think
6 extending the comment period is very easy for
7 us to do. There's things that still come in
8 the next few days. I suspect there's still
9 those (INAUDIBLE) relative to the final EIR and
10 the draft EIR, etc. So, I think it does
11 nothing but good. There's no harm.

12 COMMISSIONER CAMERON: We just have
13 to hustle at the end to incorporate.

14 COMMISSIONER MCHUGH: Right. We're
15 encouraging people to get the comments in as
16 soon as we can. The sooner we get them, the
17 better that we can digest them. But at least
18 for those who for one reason or another may not
19 have the wherewithal to do so.

20 So, let's extend the comment period
21 then until 22nd August. And the instructions
22 are on the website as to how to get the
23 comments to us. And we will continue to read
24 them carefully as they arrive. Item B.

1 MR. ZIEMBA: Commissioners, over the
2 last week we've met with representatives from
3 the Metropolitan Area Planning Council, MAPC
4 and with a number of individuals and groups
5 from Charlestown.

6 MAPC has been preparing a memorandum
7 for the Commission analyzing the relative
8 strengths of both applicants and concerns. As
9 I previously reported, we informed MAPC that
10 its review could also be useful to us in our
11 current review on any conditions that could be
12 placed on the Wynn license if Wynn is
13 successful in receiving a license from the
14 Commission.

15 We received this memorandum last
16 evening. We can share that memorandum and any
17 responses to it on our website. We already
18 have posted the PowerPoint of our meeting with
19 Wynn on its best and final offer on our
20 website. That's been up for some time now.

21 In general, in addition to a number
22 of strengths for both applicants, the MAPC
23 review describes how the Wynn plan could impact
24 the planned improvements on the Rutherford

1 Ave./Sullivan Square Corridor.

2 I just want to thank the MAPC for
3 their review. They have been very interactive
4 with us throughout this whole process. All of
5 the regional planning agencies have been
6 assisting us through this whole process, and I
7 wanted to thank them for their very thoughtful
8 review.

9 In addition, we had a very
10 productive meeting a the cross-section of
11 Charlestown residents and have spoken with
12 others such the Charlestown Mothers
13 Association. A number of groups were
14 represented such as the Charlestown
15 Neighborhood Council, Charlestown Preservation
16 Society, Charlestown Waterfront Coalition,
17 Rutherford Ave./Sullivan Square Advocacy Group,
18 Gardens for Charlestown, Friends of City Square
19 Park, and the Rutherford Corridor Improvement
20 Coalition, in addition to a number of citizens
21 that have had a historical role in the debate
22 related to Rutherford Ave./ Sullivan Square
23 plan. We thank them all for a very productive
24 meeting about potential conditions.

1 Written comments we received prior
2 to and during the meeting are included in your
3 packet. We are in the process of putting
4 together a summary of the meeting. However,
5 many of the main points that we heard can be
6 found in the letters that are in your packet.

7 In general, recommendations were
8 made that the Wynn licensee, if Wynn is chosen
9 to be the licensee, should pay for or pay a
10 significant share of the costs of the planned
11 Rutherford Ave./Sullivan Square plan,
12 particularly the Sullivan Square proportion.

13 There was some debate about the
14 efficacy of the Rutherford Ave./Sullivan Square
15 plan to address future traffic even without the
16 addition of the Wynn project. Comments were
17 received that noted that Wynn's FEIR submission
18 does not measure against the future plan,
19 Rutherford Ave./Sullivan Square plan. There
20 was also some commentary on how the traffic
21 measures proposed by Wynn for the current
22 rotary will pose some difficulties on areas
23 such as the Main Street intersection with the
24 rotary.

1 Several commenters positively
2 mentioned Wynn's focus on prioritizing
3 alternate transportation plans to remove
4 vehicles from the Sullivan Square Rotary. And
5 they mentioned the importance of assuring that
6 such goals are realized.

7 We are very grateful to the
8 thoughtful input we received. We noted that we
9 are trying to find as fair a result as
10 possible, fair to the residents of Boston, fair
11 to the city, fair to both of the applicants,
12 fair to the two Region A communities that went
13 through arbitration, and fair to the Region A
14 communities that reached an agreement with the
15 Region A applicants.

16 We are currently reviewing
17 information including the hundreds if not
18 thousands of pages of relevant documents
19 already assembled and are working to get
20 further information that will help us in our
21 review.

22 COMMISSIONER MCHUGH: All right.
23 Thank you for that succinct and thorough
24 report. Comments, thoughts?

1 COMMISSIONER STEBBINS: How many
2 folks did you have turn out at the meeting?

3 MR. ZIEMBA: It was meant to be a
4 dialogue. There were approximately a dozen.

5 COMMISSIONER MCHUGH: But the dozen
6 were people who had been active for a long
7 period of time and represented groups that had
8 been active for a long period of time in the
9 planning efforts in the community.

10 MR. ZIEMBA: That's correct. In
11 addition, obviously, we have a public hearing
12 that is scheduled, two public hearings that are
13 scheduled for next week where undoubtedly we
14 will receive additional input from a number of
15 those groups and other citizens from
16 Charlestown, Everett and other places with a
17 stake in this matter.

18 As we know, this is a regional
19 concern with Everett, Somerville, Chelsea. So,
20 a number of communities I'm sure will provide
21 helpful input on both of the applicants' plans.

22 COMMISSIONER ZUNIGA: When is that
23 happening tentatively?

24 MR. ZIEMBA: August 11 and August 12

1 are our two host community hearing sessions.

2 COMMISSIONER ZUNIGA: Oh, of course.
3 I think I should be there, right.

4 MR. ZIEMBA: I hope it's on your
5 calendar, Commissioner.

6 COMMISSIONER STEBBINS: He thought
7 you were adding another meeting to the
8 calendar.

9 COMMISSIONER ZUNIGA: I did. I
10 actually thought you were adding another
11 meeting. I will be there.

12 COMMISSIONER MCHUGH: Commissioner
13 Cameron any thoughts?

14 COMMISSIONER CAMERON: No. For me,
15 I'm looking at these issues. So, I've had many
16 conversations with our Ombudsman as these
17 comments come in and as he attends meetings.
18 So, I want to thank him for representing us
19 well.

20 COMMISSIONER MCHUGH: The comments,
21 I've taken a quick look at the comments. I
22 want to go back to them, were thoughtful and
23 detailed as was the MAPC report, which I also
24 have to take a deeper look at. But at first

1 approach, it was likewise thoughtful,
2 comprehensive.

3 And this is pursuant to our
4 obligation, as we mentioned before, to do the
5 information gathering that's necessary to think
6 about and ultimately discuss and adopt
7 conditions on the licenses we issue, whether we
8 issue to Mohegan Sun or to Wynn. The specifics
9 you're talking about are designed to help us
10 think about, formulate conditions if the
11 license goes to Wynn. This is part of our
12 ongoing effort in that regard.

13 So, we will post -- The comments
14 from Charlestown are in the packet. What is
15 the plan for the MAPC report?

16 MR. ZIEMBA: So, we will shortly
17 post that. The Wynn PowerPoint that I
18 mentioned is already on the report section of
19 our website. And it's likely that we would
20 post the MAPC report also in that report
21 section of our website and comments that we
22 received regarding that report and/or the Wynn
23 PowerPoint. We'll include that in that
24 section. Perhaps we might consider, again

1 going to web design, but perhaps we might think
2 about having another section that's dedicated
3 to these matters.

4 COMMISSIONER MCHUGH: Is there a
5 process for soliciting comments to the MAPC
6 report or to the comments from the Charlestown
7 group that we post? Or is this simply part of
8 the general solicitation of comments with
9 respect to the transportation plan?

10 MR. ZIEMBA: I think I would
11 incorporate them in the general solicitation of
12 transportation comments. It seems to work
13 well. Maybe we could modify our request for
14 comments as part of that.

15 COMMISSIONER MCHUGH: Yes,
16 Commissioner?

17 COMMISSIONER ZUNIGA: Are you
18 suggesting comments on comments?

19 COMMISSIONER MCHUGH: No. Comments
20 on -- Well, yes. The whole issue is discussed
21 in the comments that we received from the
22 Charlestown groups, for example, are proposals
23 basically. And I don't see why we couldn't ask
24 other people to comment on those if they wanted

1 to do that.

2 The MAPC report deals with matters
3 broader than traffic. And we have in the past
4 asked for comments on virtually everything
5 we've received comments on. So, somehow it
6 seems to me it'd be worthwhile to have comments
7 on the materials we post up until the end or up
8 until the 22nd.

9 COMMISSIONER ZUNIGA: So long as the
10 relevant materials are easily accessible and
11 they are or we can ensure that they are.
12 Anybody can read it and comment on any one of
13 those aspects of the materials.

14 MR. ZIEMBA: We've had some initial
15 conversations with the Wynn applicant about how
16 they would provide responses to all of these
17 comments. Obviously, that is a very important
18 part of our review. And I think we'll try to
19 make recommendations. Whether they respond at
20 the end or if there are batches of comments
21 that they should respond to along the way.
22 We'll have further discussions about that.

23 COMMISSIONER MCHUGH: All right.
24 So, you'll work that out with them directly.

1 MR. ZIEMBA: Correct.

2 COMMISSIONER MCHUGH: Anything else
3 on that topic? All right. Now as we've
4 mentioned, we have the meetings next Monday and
5 Tuesday, which are designed to hear the final
6 comments in the statutorily required hearings,
7 host community hearings and bring those to a
8 close so that we can continue with the next
9 step of the licensing process.

10 In connection with that next step,
11 we have the issue of the city selection not to
12 participate in the surrounding community
13 agreement process for which our regulations
14 provide. And we need to have some advice as to
15 how to deal with that. And we have some advice
16 as to how to deal with that. So, let's turn to
17 Counsel for advice, Mr. Grossman.

18 MR. GROSSMAN: Thank you. Good
19 afternoon, Commissioners. There were a number
20 of legal implications that arose when the city
21 of Boston declined to participate in the
22 arbitration process leading to the surrounding
23 community agreement. And as we look to clear
24 the way towards your ultimate decision in the

1 Region A licensing process, it's important at
2 this juncture that we address the surrounding
3 community issue.

4 There are a number of governing
5 statutes that control this issue. The first of
6 section 15 paragraph 9. That's the memo that
7 was included that outlines these issues.

8 COMMISSIONER MCHUGH: That memo is
9 in the packet for everybody to see and look at.

10 MR. GROSSMAN: It's in the packet.
11 So, I'll hit some of the high points, if I may.

12 COMMISSIONER MCHUGH: This is really
13 for the people watching at home. It's in the
14 packet. And it will be posted on our website.

15 MR. GROSSMAN: Section 15, paragraph
16 9 essentially sets out a number of
17 prerequisites that applicants must meet in
18 order to be eligible to receive the gaming
19 license. And one of them, and the one that is
20 relevant in this particular case, provides that
21 an applicant must submit signed agreements
22 between it and the surrounding communities.

23 The corollary to that is that if it
24 does not submit signed agreements between it

1 and the surrounding communities that it is
2 ineligible to receive a gaming license.

3 As it applies in the present
4 situation where the city of Boston and Wynn are
5 not presently engaged in the arbitration
6 process or negotiating towards an agreement, if
7 the city of Boston were allowed to maintain its
8 surrounding community status, one could argue
9 and we would suggest the case would be that
10 Wynn would be ineligible to receive the
11 license.

12 So, ultimately our recommendation to
13 you, and I'll hit a few other points as well,
14 is that the city of Boston be deemed to have
15 waived its surrounding community status for
16 this purpose.

17 There is a companion provision to
18 paragraph 9 that I just referenced in section
19 17 of Chapter 23K. That is section (a) of
20 section 17. And that essentially lays out the
21 process by which surrounding communities are
22 determined by the Commission. And there are a
23 couple of important provisions contained in
24 section 17(a).

1 The first essentially provides as it
2 discusses reaching a surrounding community
3 agreement that once the Commission determines a
4 municipality to be a surrounding community that
5 no action may be taken on applicant's
6 application until an agreement is reached.

7 In this case, the argument would be
8 that you can't take action on an application,
9 Wynn's application where it hasn't reached an
10 agreement with the city of Boston while it
11 maintains its surrounding community agreement.

12 There's a second important provision
13 of section 17(a). And it's contained in the
14 final sentence of that. It essentially gives
15 the Commission the authority to come up with a
16 process in the event that a municipality that's
17 been designated a surrounding community and an
18 applicant are unable to reach an agreement on
19 their own, a so-called stalemate has arisen.

20 The Commission then has to come up
21 with and it has come up with protocols and
22 procedures to resolve that deadlock. And in
23 fact, of course, you did that when you
24 promulgated 205 CMR 125.06 where we came up

1 with the protocols and procedures for the
2 resolution of such a stalemate. Ultimately, of
3 course, the regulations require that the
4 parties engage in an arbitration process that
5 we are all familiar with at this juncture.

6 And the intent of that and this is
7 the important part, was to ensure that a
8 community that's been designated a surrounding
9 community is not invested with so-called almost
10 a de facto veto authority over an application.

11 The Legislature set out an instance
12 in which it felt like a municipality should
13 have veto authority. And that was of course in
14 the host community context where it provided
15 that again, under section 15 as a prerequisite
16 to getting being eligible for a license that an
17 applicant had to submit a positive vote from a
18 host community election. And that in essence
19 gives that host community veto authority over
20 an application.

21 The Legislature did not grant the
22 same veto authority to surrounding communities.
23 In fact, it did the opposite. And it included
24 that language in section 17 paragraph (a) that

1 essentially invested in the Commission the
2 authority to come up with procedures and
3 protocols to break a deadlock. That is to
4 prevent any veto.

5 The problem here would be if the
6 city of Boston were to be allowed to maintain
7 its surrounding community designation and not
8 participate in the arbitration process to
9 resolve the deadlock, it would essentially be
10 granted the de facto veto authority that
11 section 17(a) and the Commission's regulations
12 were designed to prevent, contrary to the
13 intent of the Legislature.

14 And the way they would get there
15 would be that Wynn would be unable to submit a
16 surrounding community agreement and would
17 effectively be ineligible under section 15
18 paragraph 9.

19 So, for those reasons, we are
20 recommending that the Commission deem the city
21 of Boston to have waived its surrounding
22 community status. We have a provision in the
23 regulations that allows for that and
24 specifically addresses a situation in which a

1 municipality fails to participate in the
2 surrounding community resolution process. And
3 it provides for waiver of the status in this
4 type of situation.

5 It's important though to bear in
6 mind that by deeming the status to have been
7 waived, it does not suggest in any way that we
8 lose sight of the proximity of the project to
9 the city of Boston, or that folks who may be
10 impacted by the project lose their seat at the
11 table or anything of that nature. The
12 Commission would of course maintain its stated
13 obligation to ensure that any known impacts are
14 mitigated. And this decision, if this is the
15 decision you were to make, would not affect
16 that in any way, shape or form.

17 Furthermore, we are suggesting that
18 the Commission could state an intention to
19 leave open the possibility at some point for
20 certainly Wynn and the city to enter into an
21 agreement and for the Commission to accept that
22 as a surrounding community agreement; or for
23 the city at some point to even re-petition to
24 be designated a surrounding community. And I

1 think that basically outlines our
2 recommendation.

3 COMMISSIONER MCHUGH: That's very
4 helpful and your memorandum is very thoughtful.
5 One thing that I'd like to do before we talk
6 about the implications of this is to put up on
7 the screen, if we might, page four of that
8 memorandum and particularly the section from
9 the regulation that's up above there, which
10 provides that in the event a community
11 designated a surrounding community fails or
12 refuses to participate in the arbitration
13 process set forth in the relevant regulation,
14 the Commission may deem the community to have
15 waived its designation as a surrounding
16 community. Provided that the Commission may
17 nevertheless impose as a condition on any
18 Category 1 or 2 license a community impact fee
19 and any requirements it deems appropriate
20 requirements for mitigation of impacts from the
21 development or operation of a licensed gaming
22 establishment.

23 That's the regulation to which you
24 were referring, Mr. Grossman.

1 MR. GROSSMAN: Right.

2 COMMISSIONER MCHUGH: So, that is a
3 regulation that, if I understand you correctly,
4 was designed to implement the provision of the
5 statute that said that the Commission has to
6 create and promulgate protocols for resolving
7 an impasse between a surrounding community and
8 an applicant. And provides a mechanism for
9 dealing with situations in which one side or
10 the other, in this case the surrounding
11 community, elects not to participate in the
12 protocols that the Commission has promulgated.

13 And thereby creates potentially the
14 kind of impasse that prevents the applicant
15 from going forward. Is that a fair summary of
16 what that regulation is designed to do?

17 MR. GROSSMAN: That's exactly right.

18 COMMISSIONER MCHUGH: So, in that
19 gathering of information designed to think
20 about, discuss and ultimately promulgate
21 conditions is the process that Mr. Ziemba has
22 been part of and that we have heard a report
23 about just minutes ago.

24 So, with that as a background

1 comments from Commissioners?

2 COMMISSIONER CAMERON: It would
3 appear to me that that's a prudent step for us
4 to take. It's clearly laid out in this memo
5 what the implications would be if we didn't do
6 this. And also the fact that we are not
7 precluding in the future any kind of an
8 agreement if that were to happen.

9 And the piece about conditions, I
10 know that we are -- I am working on mitigation.
11 And we take this very seriously and we are
12 really looking at every impact. So, this to me
13 would be a prudent step for us to take.

14 COMMISSIONER MCHUGH: Other
15 thoughts?

16 COMMISSIONER STEBBINS: We sent a
17 communication off to the city of Boston with
18 respect the implications of de-designating them
19 as a surrounding community. Did we have any
20 feedback or response from them?

21 MS. BLUE: We did not have any
22 feedback. But we did send a communication and
23 we did strongly encourage them to continue
24 discussions. We also as stated in this memo

1 encouraged them that if they did finally reach
2 an agreement, we would certainly consider that.
3 So, we did send them that letter earlier this
4 week.

5 COMMISSIONER MCHUGH: And they, the
6 city in its notice to us that it was electing
7 not to participate in the arbitration process
8 cited this regulation, did it not?

9 MS. BLUE: They did. Yes. It was
10 in their letter.

11 COMMISSIONER MCHUGH: So, this is a
12 step that clearly they took with an
13 understanding of what was likely to follow.

14 COMMISSIONER ZUNIGA: Not only that,
15 there's been ample time since this issue first
16 surfaced to have the city done things
17 differently if they wished to have done that.
18 And it would appear to me that that's not, at
19 least as of now, their intention.

20 So, I would concur with the argument
21 as laid out here that from a technical
22 standpoint, we ought to consider this in order
23 to continue our review. And as our regulations
24 and the statute intended, we have a lot of

1 flexibility relative to imposing community
2 impact fees and conditions to reflect the
3 impacts of potentially this operation.

4 COMMISSIONER MCHUGH: What are the
5 practical impacts, the short-term practical
6 impacts of this? It occurred to me that there
7 were just a couple. Could you help with that?

8 MS. BLUE: The short-term impacts of
9 deeming it waived?

10 COMMISSIONER MCHUGH: Of deeming it
11 waived.

12 MS. BLUE: As we outlined a little
13 bit in our letter to the city, we talked about
14 certain benefits that aren't available to a
15 community that's not a surrounding community.
16 It will mean that in the interim, the
17 Commission will look a lot more closely at
18 impacts and what needs to be done.

19 It will require some discussions
20 about conditions that are particular to this
21 particular surrounding community. I think
22 that's the short-term. Longer term, we'll have
23 to see how it all plays out.

24 COMMISSIONER MCHUGH: I was thinking

1 more concretely, and correct me if I'm wrong
2 that the two main impacts short-term are number
3 one, a city or town that's not a surrounding
4 community doesn't have a right to be heard at
5 the statutory hearing. They're not a party to
6 the statutory hearing.

7 MS. BLUE: That's correct, yes.

8 COMMISSIONER MCHUGH: But under our
9 regulations, well, not under our regulations I
10 guess, but under our practices, we've opened up
11 those meetings to anybody that wants to talk.
12 And we'd welcome the city's appearance to talk
13 at next Tuesday's meeting in Everett, if they
14 choose to do so. So, as a practical matter,
15 they don't surrender that right.

16 The other practical input -- The
17 other practical impact is that they don't have
18 a right to a surrounding community agreement.
19 But they have already said that they don't want
20 a surrounding community agreement. So, that
21 one is not adversely affected by this.

22 In the letter, can you explain again
23 what you said about future agreements and the
24 like?

1 MS. BLUE: So, in our letter, we
2 strongly encourage the city to either
3 recommence negotiations and discussions with
4 Wynn or to even first of all let us know if
5 they have particular impacts that they wanted
6 us to understand.

7 But we did make very clear that if
8 in the event they came to an agreement in the
9 future, we would certainly bring that to the
10 Commission so the Commission could consider
11 that, consider it as a surrounding community
12 agreement, as a formal surrounding community
13 agreement if that were the request.

14 We suggested to them too that they
15 could, as Mr. Grossman's memo outlines, re-
16 petition to be a surrounding community. And
17 the Commission would consider that as well.
18 So, we've left the door open to some sort of a
19 negotiated mutually agreeable agreement between
20 the parties to come back before the Commission.

21 COMMISSIONER MCHUGH: Yes. It seems
22 to me that the reality, the clear reality is
23 that nothing can work under either of these
24 applications unless a number of people agree in

1 making the outcome happen. And the city of
2 Boston is an important ingredient of making a
3 reality whatever application we grant.

4 So, it sounds to me like what you
5 told the city simply reflects reality, and
6 indicates on our part certainly a willingness
7 at any time to facilitate that reality and help
8 it move forward regardless of the direction in
9 which we go with respect to a license.

10 Do we have to do this -- Do we have
11 to act on the waiver -- and it is a deemed
12 waiver. It is a consideration that they have
13 elected not to participate. And participation
14 was a key to maintaining surrounding community
15 status. So, they've waived that. That's what
16 the regulation provides.

17 What's the thinking about whether we
18 ought to do this now as opposed to sometime
19 later in the process?

20 MR. GROSSMAN: I believe it's been
21 the Commission's practice, for starters, to not
22 conclude a host community public hearing until
23 the surrounding community proceedings have been
24 concluded for starters. And I think there are

1 a number of reasons for that.

2 One of which is to afford any actual
3 surrounding community an ability to have an
4 understanding as to what the agreement is, the
5 mitigation agreement, the terms of the
6 mitigation, etc., prior to having to come
7 before the Commission to present testimony at a
8 public hearing.

9 So, from that perspective it would
10 be helpful to do that now prior to the host
11 community public hearing being closed.
12 Otherwise, I think the only timing requirement
13 is that it be done prior to a decision being
14 made as to which applicant to award the license
15 to. So that you have a completed application
16 before you.

17 COMMISSIONER MCHUGH: But as I hear
18 your first point there is that there is an
19 implication, at least in the statute, that's
20 morphed, if you will, into Commission practice
21 to complete the surrounding community
22 proceedings before closing the hearing so that
23 the applications are complete by the time the
24 surrounding community hearing is close.

1 MR. GROSSMAN: Right.

2 COMMISSIONER MCHUGH: So, that would
3 militate in favor of doing this now and acting
4 on this piece now. Okay. Any other comments
5 that either of you would like to make? Other
6 comments from the Commissioners would be
7 helpful do you think?

8 COMMISSIONER CAMERON: I don't see a
9 reason why we wouldn't take this action now,
10 frankly. They've had ample opportunity,
11 meaning the city, to respond. They've been
12 notified. They mentioned this action in their
13 original notification that they would not
14 participate. So, I don't see a reason not to
15 proceed in this manner.

16 COMMISSIONER ZUNIGA: I don't
17 either. And I think especially when we take
18 into consideration what's suggested here well,
19 which is they can always come back and ask to
20 be re-designated. They can always continue to
21 negotiate and reach an agreement.

22 It does not necessarily have to be
23 the surrounding community agreement, but it
24 could be a mutually agreed agreement. And we

1 could consider that at any future time.

2 So, I would emphasize those points,
3 which are, I think, very important for the city
4 and the applicant obviously. But I would agree
5 that I don't see any need to postpone this. By
6 the same token, we are ready for our closing,
7 as we have currently planned it, our host
8 community hearing next week.

9 COMMISSIONER MCHUGH: Yes. I think
10 those points -- I'm sorry. Commissioner
11 Stebbins, did you want to say something?

12 COMMISSIONER STEBBINS: No. I would
13 just simply concur. The only issue I would
14 want to address is while we encourage both
15 parties to continue to negotiate that in the
16 long-term there is also obstacles for the city
17 of Boston if they to come to some type of
18 agreement. They don't find themselves eligible
19 to apply for community mitigation funds. They
20 also do not find themselves eligible to be part
21 of the -- I think they have a designated spot
22 on one of the advisory committees as well.

23 That's obviously not something that
24 impacts them in the immediate future, but long-

1 range it's something the city of Boston should
2 be mindful of. Again, I also hope that both
3 parties would continue to try to negotiate and
4 come to some type of agreement and come back
5 and petition us at some point.

6 COMMISSIONER MCHUGH: I just would
7 like to jump in and say that I think we ought
8 to reserve judgment on eligibility for
9 mitigation funds. I think there is -- We have
10 not yet promulgated regulations in that regard.
11 We need to promulgate those regulations. So, I
12 think we ought to put that one to one side, but
13 the general point is appropriate.

14 I think it's really appropriate --
15 important for a couple of things to be clear.
16 Number one, this simply affects the Everett
17 Wynn application. It doesn't have anything to
18 do with the Mohegan Sun/Revere application.
19 So, the city maintains its surrounding
20 community status. It's got a surrounding
21 community agreement in that direction. This is
22 simply focused on the Wynn/Everett application.

23 Second, we've said it now several
24 times. The city and Wynn are encouraged to

1 continue to reach agreements. Ultimately,
2 working together is the only way this is going
3 to get done if the license is awarded to Wynn.
4 And the Commission is ready to facilitate any
5 agreements that in fact arise. Those are
6 important considerations to keep in mind as we
7 move forward.

8 This is more than a technicality,
9 but it is not the kind of door closing exercise
10 that is dispositive really of anything. But it
11 is an important step to allow us to move
12 forward.

13 So, with that in mind, I would
14 entertain a motion that the Commission deem the
15 city of Boston to have waived its surrounding
16 community status with respect to the
17 application for a Category 1 casino license
18 filed by Wynn MA, LLC. I would entertain such
19 a motion.

20 COMMISSIONER ZUNIGA: So moved. I
21 was prepared to make that motion but I think
22 you articulated it well. So moved.

23 COMMISSIONER CAMERON: Second.

24 COMMISSIONER MCHUGH: Is there a

1 further discussion? All right. All in favor,
2 aye.

3 COMMISSIONER CAMERON: Aye.

4 COMMISSIONER ZUNIGA: Aye.

5 COMMISSIONER STEBBINS: Aye.

6 COMMISSIONER MCHUGH: All opposed?

7 None. The ayes have it unanimously. All
8 right.

9 Is there any other business before
10 the Commission, Commissioners, colleagues? All
11 right. Then I'll entertain a motion to
12 adjourn.

13 COMMISSIONER CAMERON: Moved to
14 adjourn.

15 COMMISSIONER ZUNIGA: Second.

16 COMMISSIONER MCHUGH: All in favor,
17 aye.

18 COMMISSIONER CAMERON: Aye.

19 COMMISSIONER ZUNIGA: Aye.

20 COMMISSIONER STEBBINS: Aye.

21 COMMISSIONER MCHUGH: The ayes have
22 it. The Commission meeting is adjourned.

23

24 (Meeting adjourned at 2:58 p.m.)

1 ATTACHMENTS:

- 2
- 3 1. Massachusetts Gaming Commission August 7,
4 2014 Notice of Meeting and Agenda
 - 5 2. Massachusetts Gaming Commission
6 July 24, 2014 Meeting Minutes
 - 7 3. Plainridge Park Casino Floor Plan Review
8 August 7, 2014
 - 9 4. Plainridge Park Casino Strategic Plan to
10 Engage & Recruit the Diverse, Under and
11 Unemployed Workforce Population
 - 12 5. Plainridge Park Casino Purchasing
13 Practices Plan for Locally and
14 Traditionally Disadvantaged & Diverse
15 Businesses
 - 16 6. DRAFT August 4, 2014 Massachusetts Gaming
17 Commission Responsible Gaming Framework
 - 18 7. Massachusetts Gaming Commission August 7,
19 2014 Memorandum Regarding Proposed
20 Amendment to Contract with Problem
21 Gambling Solutions, Inc.
 - 22 8. Comments Regarding Charlestown Community
23 Groups and Wynn
- 24

1 9. Massachusetts Gaming Commission August 4,
2 2014 Memorandum Regarding Waiver of
3 Surrounding Community Designation
4

5 GUEST SPEAKERS:

6 Karen Bailey, Penn National

7 Lance George, Penn National

8 Jennifer Pinck, Pinck and Company

9 Steve O'Toole, Plainridge Racetrack

10 Cori Whitacre, Penn National
11

12 MASSACHUSETTS GAMING COMMISSION STAFF:

13 Catherine Blue, General Counsel

14 Richard Day, Executive Director

15 Jill Griffin, Director of Workforce, Supplier
16 and Diversity Development

17 Todd Grossman, Deputy General Counsel

18 Mark Vander Linden, Director of Research and
19 Problem Gambling

20 John Ziemba, Ombudsman
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C E R T I F I C A T E

I, Laurie J. Jordan, an Approved Court Reporter, do hereby certify that the foregoing is a true and accurate transcript from the record of the proceedings.

I, Laurie J. Jordan, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Laurie J. Jordan, further certify I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken and further that I am not financially nor otherwise interested in the outcome of this action.

Proceedings recorded by Verbatim means, and transcript produced from computer.

WITNESS MY HAND this 10th day of August, 2014.



LAURIE J. JORDAN
Notary Public

My Commission expires:
May 11, 2018